

ILLINOIS REGISTER

Rules of Government

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ILLINOIS REGISTER

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1991

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| Apr. 16, 1991 | Apr. 23, 1991 | 18 | May 3, 1991 | Oct. 22, 1991 | Oct. 29, 1991 | 45 | Nov. 8, 1991 |
| Apr. 23, 1991 | Apr. 30, 1991 | 19 | May 10, 1991 | Oct. 29, 1991 | Nov. 5, 1991 | 46 | Nov. 15, 1991 |
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| May 21, 1991 | May 28, 1991 | 23 | June 7, 1991 | Nov. 26, 1991 | Dec. 3, 1991 | 50 | Dec. 13, 1991 |
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| June 18, 1991 | June 25, 1991 | 27 | July 5, 1991 | Dec. 24, 1991 | Dec. 31, 1991 | 2 | Jan. 10, 1992 |

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3) Section Numbers: Proposed Action

300.20 Amendment
300.30 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 23, pars. 2051 et seq.

5) A Complete Description of the Subjects and Issues Involved: The Department is amending its definition of "neglected child" in order to bring the religious exception clause contained in the definition into conformity with the federal Department of Health and Human Services' interpretation of federal regulation contained in the Child Abuse Prevention and Treatment Act. The Department of Health and Human Services has informed the Department that the amendments adopted effective November 27, 1990 do not meet its interpretation of the federal regulations and that all Department grants under the Child Abuse Prevention and Treatment Act will be canceled as of September 30, 1991 unless corrective action is taken. The proposed amendments to the definition of "neglected child" in Section 300.20 and the new subparagraph (g) contained in Section 300.30 are based on language proposed by the Department of Health and Human Services.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒
If "yes", date: _____

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
217/785-2592

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an affect upon small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 300

REPORTS OF CHILD ABUSE AND NEGLECT

| | |
|------------|--|
| Section | |
| 300.10 | Purpose |
| 300.20 | Definitions |
| 300.30 | Reporting Child Abuse or Neglect to the Department |
| 300.40 | Content of Child Abuse or Neglect Reports |
| 300.50 | Transmittal of Child Abuse or Neglect Reports |
| 300.60 | Special Types of Reports (Recodified to 300.160) |
| 300.70 | Referrals to the Local Law Enforcement Agency and State's Attorney |
| 300.80 | Delegation of the Investigation |
| 300.90 | Time Frames for the Investigation |
| 300.100 | Initial Investigation |
| 300.110 | The Formal Investigative Process |
| 300.120 | Taking Children into Temporary Protective Custody |
| 300.130 | Notices Whether Child Abuse or Neglect Occurred |
| 300.140 | Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents |
| 300.150 | Referral for Other Services |
| 300.160 | Special Types of Reports |
| APPENDIX A | ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS |
| APPENDIX B | CHILD ABUSE AND NEGLECT ALLEGATIONS |

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1989, ch. 23, pars. 2051 et seq.) and Section 3 of "AN ACT in relation to the performance of medical, dental or surgical procedures on and counseling of minors" (Ill. Rev. Stat. 1989, ch. 111, pars. 4503).

SOURCE: Former part adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987, amended at 11 Ill. Reg. 1829, effective January 15, 1987, recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987, recodified at 11 Ill.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990, amended at 14 Ill. Reg. 19827, effective November 27, 1990, amended at 15 Ill. Reg. effective

Section 300.20 Definitions

"Abused Child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

INFLECTS, CAUSES TO BE INFLECTED, OR ALLOWS TO BE INFLECTED UPON SUCH CHILD PHYSICAL or mental INJURY, BY OTHER THAN ACCIDENTAL MEANS, WHICH CAUSES DEATH, DISFIGUREMENT, IMPAIRMENT OF PHYSICAL OR EMOTIONAL HEALTH, OR LOSS OR IMPAIRMENT OF ANY BODILY FUNCTION;

CREATES A SUBSTANTIAL RISK OF PHYSICAL or mental INJURY TO SUCH CHILD BY OTHER THAN ACCIDENTAL MEANS WHICH WOULD BE LIKELY TO CAUSE DEATH, DISFIGUREMENT, IMPAIRMENT OF PHYSICAL OR EMOTIONAL HEALTH, OR LOSS OF OR IMPAIRMENT OF ANY BODILY FUNCTION;

COMMITTS OR ALLOWS TO BE COMMITTED ANY SEX OFFENSE AGAINST SUCH CHILD, AS SUCH SEX OFFENSES ARE DEFINED IN THE CRIMINAL CODE OF 1961, AS AMENDED, AND EXTENDING THOSE DEFINITIONS OF SEX OFFENSES TO INCLUDE CHILDREN UNDER 18 YEARS OF AGE;

COMMITTS OR ALLOWS TO BE COMMITTED AN ACT OR ACTS OF TORTURE UPON SUCH CHILD; OR

INFLECTS EXCESSIVE CORPORAL PUNISHMENT. (Ill. Rev. Stat. 1989, ch. 23, par. 2053)

"Caretaker" means the child's parent(s), guardian or custodian with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Child care facility" means any person, group of persons, agency, association, or organization which arranges for or cares for children unrelated to the operator of the facility, apart from the parents. Child care facilities may be established for profit or not-for-profit. "Child care facility" is further defined in

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 2.05 of the Child Care Act and includes foster family homes and day care homes.

"CHILD PROTECTIVE SERVICE UNIT" (CPS) MEANS CERTAIN SPECIALIZED STATE EMPLOYEES OF THE DEPARTMENT ASSIGNED BY THE DIRECTOR OR HIS DESIGNEE TO PERFORM THE DUTIES AND RESPONSIBILITIES as provided under this Part. They are also known as investigative staff. (Ill. Rev. Stat. 1989, ch. 23, par. 2053)

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Credible evidence of child abuse or neglect" means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the decision whether a report of child abuse or neglect was "indicated" or "unfounded" has been deferred to another authority. The Department maintains responsibility for entering information about the report in the State Central Register and for notifying the subjects of the report and mandated reporters of the results of the investigation.

"Department," as used in this Part, means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded."

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. Such activities shall include: AN EVALUATION OF THE ENVIRONMENT OF THE CHILD NAMED IN THE REPORT AND ANY OTHER CHILDREN IN THE SAME ENVIRONMENT; A DETERMINATION OF

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

THE RISK TO SUCH CHILDREN IF THEY CONTINUE TO REMAIN IN THE EXISTING ENVIRONMENTS, AS WELL AS A DETERMINATION OF THE NATURE, EXTENT AND CAUSE OF ANY CONDITION ENUMERATED IN SUCH REPORT, THE NAME, AGE AND CONDITION OF OTHER CHILDREN IN THE ENVIRONMENT; AND AN EVALUATION AS TO WHETHER THERE WOULD BE AN IMMEDIATE AND URGENT NECESSITY TO REMOVE THE CHILD FROM THE ENVIRONMENT IF APPROPRIATE FAMILY PRESERVATION SERVICES WERE PROVIDED. AFTER SEEING TO THE SAFETY OF THE CHILD OR CHILDREN, THE DEPARTMENT SHALL FORTHWITH NOTIFY THE SUBJECTS OF THE REPORT IN WRITING, OF THE EXISTENCE OF THE REPORT AND THEIR RIGHTS EXISTING UNDER THIS ACT IN REGARD TO AMENDMENT OR EXPUNGEMENT. (Ill. Rev. Stat. 1989, ch. 23, par. 2053)

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that some credible evidence of the alleged abuse or neglect exists.

"Initial Investigation" means those activities conducted by Department investigative staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial Oral Report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved Subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30 of this Part.

"NEGLECTED CHILD" MEANS ANY CHILD WHOSE PARENT OR OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE WITHHOLDS OR DENIES NOURISHMENT OR MEDICALLY INDICATED TREATMENT INCLUDING FOOD OR CARE DENIED SOLELY ON THE BASIS OF PRESENT OR ANTICIPATED MENTAL OR PHYSICAL IMPAIRMENT AS DETERMINED BY A PHYSICIAN ACTING ALONE OR IN CONSULTATION WITH OTHER PHYSICIANS OR OTHERWISE DOES NOT

PROVIDE THE PROPER OR NECESSARY SUPPORT, OR MEDICAL OR OTHER REMEDIAL CARE RECOGNIZED UNDER STATE LAW AS NECESSARY FOR A CHILD'S WELL-BEING; (including where there is harm or substantial risk of harm to the child's health or welfare); OR OTHER CARE NECESSARY FOR HIS OR HER WELL-BEING, INCLUDING ADEQUATE FOOD, CLOTHING AND SHELTER; OR WHO IS ABANDONED BY HIS OR HER PARENTS OR OTHER PERSON RESPONSIBLE FOR THE CHILD'S WELFARE; OR WHO IS A NEWBORN INFANT WHOSE BLOOD OR URINE CONTAINS ANY AMOUNT OF CONTROLLED SUBSTANCE AS DEFINED IN SUBSECTION (f) OF SECTION 102 OF THE ILLINOIS CONTROLLED SUBSTANCES ACT OR A METABOLITE THEREOF, WITH THE EXCEPTION OF A CONTROLLED SUBSTANCE OR METABOLITE THEREOF WHOSE PRESENCE IN THE NEWBORN INFANT IS THE RESULT OF MEDICAL TREATMENT ADMINISTERED TO THE MOTHER OR THE NEWBORN INFANT. A CHILD SHALL NOT BE CONSIDERED NEGLECTED OR ABUSED FOR THE SOLE REASON THAT SUCH CHILD'S PARENT OR OTHER PERSON RESPONSIBLE FOR HIS OR HER WELFARE DEPENDS UPON SPIRITUAL MEANS THROUGH PRAYER ALONE FOR THE TREATMENT OR CURE OF DISEASE OR REMEDIAL CARE UNDER SECTION 4 OF THE ABUSED AND NEGLECTED CHILD REPORTING ACT. Nothing in this rule shall be construed as requiring or prohibiting a finding of negligent treatment or maltreatment when a parent practicing his or her religious beliefs does not, for that reason alone, provide medical treatment for a child; or that a substantial risk of neglect exists solely because a parent or responsible person ordinarily provides remedial care for a child; or that anything in this rule limits the authority of the Department to make or receive reports of suspected child abuse or neglect; or to investigate such reports; or to provide protective services; or to seek judicial authority to obtain necessary medical treatment on behalf of children where there is harm or substantial risk of harm to the children's health; (Ill. Rev. Stat. 1989, ch. 23, par. 2053). Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this Act, for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care. (Ill. Rev. Stat. 1989, ch. 23, par. 2053)

"PERPETRATOR" MEANS A PERSON WHO, AS A RESULT OF INVESTIGATION, HAS BEEN DETERMINED BY THE DEPARTMENT TO HAVE CAUSED CHILD ABUSE OR NEGLECT.

"PERSON RESPONSIBLE FOR THE CHILD'S WELFARE" MEANS THE CHILD'S PARENT, GUARDIAN, FOSTER PARENT, an operator, supervisor, or

employee of a public or private residential agency or institution or public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect (Ill. Rev. Stat. 1989, ch. 23, par. 2053)

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

(Source: Amended at 15 Ill. Reg. , effective)

Section 300.30 Reporting Child Abuse or Neglect to the Department

a) Reports of suspected child abuse or neglect may be immediately made to the State Central Register via its toll-free number [1-800-25A-BUSE] at any time, day or night, or on any day of the week. Reports may also be made to the nearest Department office. The Department encourages use of the toll-free hotline number.

b) Persons Mandated to Report Child Abuse or Neglect

1) Types of Mandated Reporters

Any of the following individuals who have reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected shall immediately report or cause a report to be made to the Department. These mandated reporters include:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- A) physicians, residents, and interns;
- B) hospitals;
- C) hospital administrators and personnel engaged in the examination, care and treatment of persons;
- D) surgeons;
- E) dentists;
- F) dentist hygienists;
- G) osteopaths;
- H) chiropractors;
- I) podiatrists;
- J) Christian Science practitioners;
- K) coroners;
- L) medical examiners;
- M) emergency medical technicians;
- N) crisis line or hotline personnel;
- O) school personnel;
- P) educational advocate assigned to a child pursuant to the School Code;
- Q) truant officers;
- R) social workers;
- S) social services administrators;
- T) domestic violence program personnel;
- U) registered nurses;
- V) licensed practical nurses;
- W) directors or staff assistants of nursery schools or child day care centers;
- X) recreational program or facility personnel;
- Y) law enforcement officers;
- Z) registered psychologists;
- AA) assistants working under the direct supervision of a psychologist or psychiatrist;
- BB) field personnel of the Illinois Departments of Public Aid, Public Health, Mental Health and Developmental Disabilities, Corrections, Children and Family Services, Human Rights, or Rehabilitation Services;
- CC) probation officers; or
- DD) foster parents, homemakers or any other child care worker.
- EE) supervisors and administrators of general assistance under the Illinois Public Aid Code; or
- FF) substance abuse treatment personnel.

2) Acknowledgment of Reporting Responsibility

- A) Individuals who become mandated reporters on or after July 1, 1986, by virtue of their employment shall sign statements acknowledging that they are mandated to report suspected child abuse and neglect in accordance with Section 4 of the Abused and Neglected Child Reporting Act

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- (Ill. Rev. Stat. 1987, 1989, ch. 23, par. 2054). The statement shall be on a form prescribed by the Department but provided by the employer. (See Appendix A.) The statement shall be signed before beginning employment and shall be retained by the employer as a permanent part of the personnel record.
- B) The Department shall provide, upon request at a reasonable cost of \$.50 each, copies of the Abused and Neglected Child Reporting Act to all employers employing persons who are mandated to report under this Act.
- 3) Interference with Reporting Prohibited
 - A) MANDATED REPORTERS WHO REPORT INSTANCES OF CHILD ABUSE OR NEGLECT IN THEIR CAPACITY AS MEMBERS OF THE STAFF OF A MEDICAL OR OTHER PUBLIC OR PRIVATE INSTITUTION, SCHOOL, FACILITY OR AGENCY, MAY ALSO NOTIFY THE PERSON IN CHARGE OR DESIGNEE OF SUCH INSTITUTION, SCHOOL, FACILITY OR AGENCY THAT A REPORT HAS BEEN MADE. HOWEVER, THE PERSON IN CHARGE OR DESIGNEE MAY NOT EXERCISE ANY CONTROL, RESTRAINT, MODIFICATION OR OTHER CHANGE IN THE REPORT OR THE FORWARDING OF SUCH REPORT TO THE DEPARTMENT. (Ill. Rev. Stat. 1987, 1989, ch. 23, par. 2054)
 - B) ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES ANY PROVISION OF THIS SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.
 - C) EMPLOYERS SHALL NOT DISCRIMINATE IN ANY MANNER AGAINST EMPLOYEES WHO MAKE GOOD FAITH REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT OR WHO ACT AS WITNESSES OR TESTIFY IN AN INVESTIGATION OR PROCEEDING CONCERNING A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT.
- 4) Consequences of Failure to Report
 - A) The privileged quality of communication between any professional person required to report and patient or client shall not constitute grounds for failure to report suspected child abuse or neglect. Mandated reporters who willfully fail to report suspected child abuse or neglect are subject to license suspension or revocation in accordance with the following statutes:
 - i) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, pars. 3501 et seq.);

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- ii) Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, pars. 4400-1 et seq.);
- iii) Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, pars. 4801 et seq.);
- iv) Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, pars. 5301 et seq.);
- v) Social Workers Registration Act (Ill. Rev. Stat. 1989, ch. 111, pars. 6301 et seq.);
- vi) The School Code (Ill. Rev. Stat. 1989, ch. 122, pars. 1-1 et seq.); and
- vii) The Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, pars. 2301 et seq.).

B) ANY PHYSICIAN WHO WILLFULLY FAILS TO REPORT CHILD ABUSE OR NEGLECT SHALL BE REFERRED TO THE ILLINOIS STATE MEDICAL DISCIPLINARY BOARD FOR ACTION. ANY OTHER PERSON REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT WHO WILLFULLY FAILS TO REPORT SUCH ABUSE OR NEGLECT SHALL BE GUILTY OF A CLASS A MISDEMEANOR. (Ill. Rev. Stat. 1989, ch. 23, par. 2054)

5) Written Confirmation of Reports

Mandated reporters shall confirm their telephone report in writing on a form prescribed by the Department within 48 hours of the oral report. The Department shall provide forms to mandated reporters--one for the exclusive use of medical professionals and another for use by all other mandated reporters. These confirmation reports shall be admissible as evidence in any administrative or judicial proceeding related to child abuse or neglect. Local investigative staff shall transmit confirmation reports to the State Central Register within 24 hours of receipt.

c) Other Persons May Report

Other persons may report suspected child abuse or neglect if they have reasonable cause to believe a child may be abused or neglected.

d) Consequences of False Reporting

ANY PERSON WHO KNOWINGLY TRANSMITS A FALSE REPORT TO THE DEPARTMENT COMMITS THE OFFENSE OF DISORDERLY CONDUCT UNDER SUBSECTION (a) (7) OF SECTION 26-1 OF THE CRIMINAL CODE OF 1961 (ILL. REV. STAT. 1989, CH. 38, PAR. 26-1). A VIOLATION OF THIS SUBSECTION IS A CLASS B MISDEMEANOR, PUNISHABLE BY A TERM OF IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, OR BY A FINE NOT TO EXCEED \$500, OR BOTH. ANY PERSON WHO VIOLATES THIS PROVISION A

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SECOND OR SUBSEQUENT TIME SHALL BE GUILTY OF A CLASS 4 FELONY. The Department shall refer cases of false reporting to the local State's Attorney when the reporter is known. (Ill. Rev. Stat. 1989, ch. 23, par. 2054)

e) Cooperation in Court or Administrative Hearings

Any person who makes a report or who investigates a report may be ordered by the Court to testify fully in any judicial proceeding resulting from the report about any evidence of the abuse or neglect or the cause of the abuse or neglect. Any mandated reporter listed in subsection (b)(1) who makes a report of suspected child abuse or neglect shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse or neglect or the cause thereof. No evidence shall be excluded because of any common law or statutory privilege regarding communications between the alleged perpetrator or the child subject and the person making or investigating the report.

f) Referrals to Public Health

All mandated reporters listed in subsection (b)(1) may refer to the Department of Public Health any pregnant person in Illinois who is addicted as defined in the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1989, ch. 111½, par. 6351-3).

g) Depending upon Spiritual Means Through Prayer Alone for the Treatment or Cure of Disease or Remedial Care.

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian, or custodian accepts and practices such beliefs. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and medical care necessary to treat or prevent that harm or risk of harm is not being provided because a parent or other person responsible for the child's welfare depends upon such spiritual means, the child shall be subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to the child and his health needs. (Ill. Rev. Stat. 1989, ch. 23, par. 2054)

(Source: Amended at 15 Ill. Reg. , effective)

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1) The Heading of the Part: Financing Programs

2) Code Citation: 14 Ill. Adm. Code 1220

3) Section Numbers:

1220.100
1220.110
1220.120
1220.130
1220.140
1220.150
1220.160
1220.200
1220.210
1220.220
1220.230
1220.240
1220.250
1220.300
1220.310
1220.320
1220.330
1220.400
1220.410
1220.500
1220.510
1220.520

Proposed Action:

New Section
New Section
New Section
New Section
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New Section
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New Section
New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, Ch. 48, Par. 850.07(t).

5) A Complete Description of the Subjects and Issues Involved:

These sections describe the processing of applications submitted to the Illinois Development Finance Authority for any of its several bond and loan financing programs. The Authority operates financing programs which may be used by businesses, local governments and 501 C 3 entities.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

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In publishing these rules the Authority is seeking to assure those eligible to apply to financing programs are apprised of the procedures and timeframes established by the Board.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments may be submitted within 45 days of the publication of this notice to:

Ronald Bean, Executive Director
Illinois Development Finance Authority
2 North LaSalle St., Suite 980
Chicago, Illinois 60602
(312) 793-5586

12) Initial Regulatory Flexibility Analysis:

The Authority has attempted to construct the most flexible procedures which are consistent with the necessary financial and project disclosures needed for an appropriate credit decision to be made.

The full text of the Proposed Rules begins on the next page:

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER III: ILLINOIS DEVELOPMENT FINANCE AUTHORITY

PART 1220

FINANCING PROGRAMS

SUBPART A: APPLICATION PROCEDURES

| | |
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| Section | |
| 1220.100 | Summary and Purpose |
| 1220.110 | Definitions |
| 1220.120 | Application Forms |
| 1220.130 | Notice to Municipalities |
| 1220.140 | Changes in Information and Additional Information |
| 1220.150 | Meetings of the Authority |
| 1220.160 | Eligible Projects |

SUBPART B: BOARD PROCEDURES

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|----------|---|
| Section | |
| 1220.200 | Scheduling of Project Consideration |
| 1220.210 | Staff Review |
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| 1220.230 | General Criteria for Approval |
| 1220.240 | Additional Criteria for Commercial Projects |
| 1220.250 | Submission of Documents |

SUBPART C: ADDITIONAL PROCEDURES

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| Section | |
| 1220.300 | Public Hearing Procedures and Responsibilities |
| 1220.310 | Final Public Approval |
| 1220.320 | Requests for Allocation |
| 1220.330 | Amendatory Resolutions |

SUBPART D: POOLED BOND ISSUES

| | |
|----------|--|
| Section | |
| 1220.400 | Bond Counsel on Pooled Bond Issues |
| 1220.410 | Program Requirements; Standardized Documents |

SUBPART E: MISCELLANEOUS

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| | |
|----------|--------------------------|
| Section | |
| 1220.500 | Transcripts |
| 1220.510 | Authority Fees |
| 1220.520 | Noncompliance and Waiver |

AUTHORITY: Implementing Section 5 and authorized by Section 6(e) of the Illinois Development Finance Authority Act (III. Rev. Stat. 1985, ch. 48, pars. 850.05 and 850.06(e)).

SOURCE: Proposed Rules adopted at _____ Illinois Register _____, effective _____.

NOTE: Statutory language appears capitalized

SUBPART A: APPLICATION PROCEDURES

Section 1220.100 Summary and Purpose

a) The Authority operates several loan programs utilizing revenue bonds and available program capital. Some or all of these programs are available to businesses, local government, and not-for-profit institutions. The purpose of the Authority is to utilize its statutory powers to increase jobs, retain existing jobs, assist local government in accessing affordable financing, facilitate capital financing of businesses and other eligible organizations and generally to strengthen the economy and infrastructure of the State. The following rules describe the policies of the Authority governing access to its programs.

b) The Authority is "a body politic and corporate of the State" operated by its 15 members. The members are appointed by the Governor and confirmed by the Senate. The members meet monthly as a board and 8 affirmative votes are necessary to approve all financings. The Board is served by a staff headed by an Executive Director who operates the daily business of the Authority.

Section 1220.110 Definitions - Words defined in the Illinois Development Finance Authority Act have the same meaning when used in these rules.

"Act" means the Illinois Development Finance Authority Act (III. Rev. Stat. 1985, ch. 48, par. 850.01 et seq., as amended).

"Application" means an application for revenue bond or loan financing in the form provided by the Authority. The form of application may be amended from time to time.

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"Board" means the members of the Authority, gathered in a meeting to transact Authority business.

"Bond Counsel" means an attorney at law or firm of attorneys of nationally recognized standing in matters pertaining to the tax-exempt nature of interest on, and the validity of, bonds issued by states and their political subdivisions, duly admitted to the practice of law before the highest court of any state of the United States of America or of the District of Columbia. The Authority relies on a list of bond counsels published quarterly by the Bond Buyer in the "Directory of Municipal Bond Dealers. The bond counsel or firm must have rendered a sole legal opinion in connection with the sale of state or municipal bonds (short-term issues excluded) within the two year period preceding submission of the borrower's application to the Authority. The legal opinion rendered may have been on either publicly offered or privately placed bond issues. Attorneys acting only as counsel to an underwriter or placement agent do not qualify.

"Volume cap" means the aggregate principal amount of Private Activity Bonds which can be issued in any given calendar year by the State and its political subdivisions (including the Authority) as obligations the interest on which is exempt from federal income taxation. Volume cap is determined under Section 147 of the Tax Code, or its successor section in any subsequent United States internal revenue code; and by the Private Activity Bond Allocation Act (Ill. Rev. Stat. 1985, ch. 17, par. . . ., et seq.).

"Bond purchase commitment" means a letter, bond purchase agreement or other document from a bond purchaser, underwriter or placement agent indicating that the terms of a financing have been finalized and that the parties are prepared to execute the documents pertaining to the financing in their present form. A bond purchase commitment will not be regarded as complete unless it specifies the aggregate principal amount of the bond issue, the maximum interest rate or interest rate formula, the term of the issue, the maximum and minimum prices at which the bonds will be purchased, and an amortization schedule.

"Borrower" means the obligor on a loan made by the Authority, whether from the proceeds of a revenue bond issue or program capital.

"Enterprise Zone" means an enterprise zone as defined in the Illinois Enterprise Zone Act (Ill. Rev. Stat. 1985, ch. 67-1/2, par. 603(b)).

"Environmental Act" means the Illinois Environmental Facilities Financing Act (Ill. Rev. Stat. 1985, ch. 127, par. 721 et seq., as amended).

"Environmental Project" means any project which constitutes an

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environmental facility or facilities, as those terms are used in the Environmental Act.

"Final Resolution" means a resolution adopted by the Authority approving the final terms of a financing by the Authority.

"Inducement resolution" or "Loan Commitment Resolution" means a resolution adopted by the Authority with respect to a project indicating the Authority's willingness to provide financing for the project, subject to the conditions specified in the resolution.

"State" means the State of Illinois.

"Tax Code" means the Internal Revenue Code of 1986, as amended, codified in Title 26, United States Code.

"Tax increment financing district" means an area designated for redevelopment through tax increment allocation financing as provided in the Real Property Tax Increment Allocation Redevelopment Act (Ill. Rev. Stat. 1985, ch. 24, par. 11-74. 4-1 et. seq.).

Section 1220.120 Application Forms

- a) Persons seeking financing assistance for their project through one of the Authority's financing programs must submit information to enable the members to determine the nature of the project, the likelihood of repayment of a loan, the security structure needed for a loan, and the extent to which a project meets the application statutory requirements and purposes.
- b) Each application for industrial, public purpose and environmental projects must include to the extent applicable to the entity submitting the application and the particular facts of the project itself:
 - 1) The legal name and address of the applicant;
 - 2) The name(s) and address(es) of the principal occupant(s) or user(s), if different from the applicant;
 - 3) An indication of the type of project (i.e., whether industrial, commercial or environmental);
 - 4) A description of the type of business of the borrower;
 - 5) The standard industrial classification code and category

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for the borrower's business;

- 6) The borrower's federal tax identification number or social security number;
- 7) The form of organization of the borrower;
- 8) A description of other businesses, if any, which have ownership interests in the borrower;
- 9) The names and addresses of shareholders holding more than 10% of stock in the borrower and/or all general partners if the borrower is a partnership; or, if the owner of any property financed would be a land trust, an identification of the trust and all beneficiaries of the trust including the percentage of beneficial interest of each beneficiary of the trust;
- 10) A listing of the names, positions, percent ownership and employment starting date, if any, of persons responsible for the management of the company;
- 11) A description of the history and background of the business of the borrower or developer;
- 12) A complete description of the project including its proposed location, street address, legal description, elements of the proposed project (such as land acquisition, building construction, renovation, equipment purchases and installation, estimated project commencement and completion dates and information on tenants, if any, to whom any portion or portions of the project may be leased; and a copy of any real estate sales contract and/or any lease agreement pertaining to the project;
- 13) A description of the products to be produced at the proposed facility;
- 14) A description of the machinery and equipment to be acquired with proceeds of the bond issue, including acquisition lead time, the cost of the equipment and whether it is new or used;
- 15) An indication of whether the project is located in an enterprise zone;
- 16) Information relating to the project site, its size, access roads, railroad access and utilities;
- 17) Site improvements existing on the land (e.g. parking lots,

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driveways, landscaping);

- 18) An indication of the United States Congressional, Illinois House of Representatives, and Illinois Senate Districts in which the project is located;
- 19) A description of the buildings existing and to be built and their intended uses;
- 20) The amount of the proposed financing;
- 21) A summary of project costs including a breakdown of project expenditures, the total costs of project elements, and the sources of funds for payment of such costs including sources other than bond proceeds; evidence of construction and/or renovation cost estimates provided by an architect, contractor, engineer, or other qualified person, which may be in the form of a letter from the estimator;
- 22) A description of sources and amounts of working capital available to the borrower, including lines of credit;
- 23) An identification of the proposed bond purchaser or purchasers, the interest rate and term of the bonds, and a copy of the letter of intent or commitment letter from such purchaser, which letter must be addressed to the borrower;
- 24) An indication of whether the bonds will be publicly sold or privately placed;
- 25) An indication of whether guarantees or other forms of credit enhancement with respect to payment of the bonds will be part of the transaction;
- 26) For commercial projects, an indication of whether the project is located in a tax increment financing district, slum or blighted area, commercial district or targeted redevelopment area;
- 27) For environmental projects, copies of orders, complaints, decrees and other official action to which the project is a response;
- 28) Information on current or projected employment for the two years subsequent to completion of the project, and, for commercial projects, a listing of the proposed tenants, lease type, rental amounts, areas rented and the term of the leases;

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- 29) An estimate of the number of construction jobs to be created as a result of the project;
- 30) A statement as to the impact of the project on the community, including such examples as increased traffic, generation of retail sales and real estate taxes, environmental impact, employment opportunities and quality of life;
- 31) A statement as to the economic feasibility or marketing analysis for the project;
- 32) The names, addresses and telephone numbers of the borrower's general counsel, bond counsel, accountant, and consultant, if any;
- 33) The name and address of the municipality or other unit of government that exercises planning and subdivision control over the project site. See Section 1220.130.

34) A certification by the borrower that the site for the project is not located in a special flood hazard area as designated by the Illinois Department of Transportation, Division of Waterways, and that the borrower has made an investigation which determined that it is not in such an area. The borrower must also certify that all information in the application is true to the best knowledge and belief of the borrower.

- c) Each application for a project for which the applicant is not an existing company or any project which is to be financed on a non-recourse, mortgage basis, and each application for a commercial project must include:

- 1) A projected cash flow analysis for the project.
- 2) An operating pro forma financial statement covering the construction period and the succeeding ten-year period. Give the base year's revenues, maintenance and operating costs in detail. Provide explanatory footnotes describing the assumptions used in forecasting income and expenses. Debt service expenses should be separated by lending source, and method of depreciation must be noted.

- d) Unless the project is to be financed in a non-recourse, mortgage basis, each application for a project must include:

- 1) If the application is for an existing company, submit financial statements for the previous three (3) years of

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operation, plus an interim financial statement not more than 90 days old at the time the application is submitted. Audited statements are preferred if available.

- 2) The applicant is also required to submit a comparative summary balance sheet and a summary profit and loss statement for the previous three (3) years.
- 3) Provide sales and earnings projections for a three (3) year period.
- 4) If the applicant is not the operating company, but an individual, a personal history of the applicant and personal financial statements; partnership applicants must include personal statements for each partner, if the principals are to guarantee the bonds, and must indicate the party with legal authority to sign documents;

Section 1220.130 Notice to Municipalities

- a) THE AUTHORITY SHALL NOT ISSUE ANY BONDS RELATING TO THE FINANCING OF AN INDUSTRIAL PROJECT LOCATED WITHIN THE PLANNING AND SUBDIVISION CONTROL JURISDICTION OF ANY MUNICIPALITY UNLESS:

- 1) NOTICE OF THE PROPOSED PROJECT, INCLUDING A DESCRIPTION OF THE PROPOSED FINANCING, IS SUBMITTED TO THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY; AND

- 2) SUCH CORPORATE AUTHORITIES, WITHIN 45 DAYS AFTER MAILING OF THE NOTICE, HAVE FAILED TO NOTIFY THE AUTHORITY THAT THE MUNICIPALITY HAS ADOPTED A RESOLUTION DISAPPROVING THE PROJECT, OR HAVE NOTIFIED THE AUTHORITY THAT THE MUNICIPALITY HAS ADOPTED A RESOLUTION APPROVING THE PROJECT.

- b) The Authority will submit notice to the municipalities designated by the borrower after adoption of the inducement resolution. It is the responsibility of each borrower and its counsel to properly identify to the Authority at the time of application any municipality having planning and subdivision control jurisdiction over any portion of the project. The Authority will incorporate into the notice the project description and approximate financing amount provided by the borrower in the application.

- c) During the months of November and December, and during the two months preceding the effective date of any tax bill changes effecting bonds, the Authority will forward the required 45-day notice to municipalities prior to adoption of an inducement resolution, if requested by the applicant.

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- d) Changes in the project, the legal entity who will become the borrower in the financing or the financing amount or structure, may require additional or corrected notices be sent. Notice to the Authority of such changes are the responsibility of the applicant. The Authority assume no responsibility for any delays in completing the financing arising out of a need to comply with this section.

Section 1220.140 Changes in Information and Additional Information

- a) Applicants are responsible for promptly notifying the Authority in writing of any subsequent material changes in the nature or description of the project, the financial condition of the proposed borrower, and the proposed structure or participation in the financing.
- b) Prior to the Board meeting at which a project financing will be considered the applicant must submit a disclosure statement which will disclose the ownership of any trust estate, corporate and partnership entities who will be in the role of borrower or guarantor in the financing. A form for this purpose may be provided by the Authority.

Section 1220.150 Meetings of the Authority

Regular meetings of the Authority are held in accordance with a schedule adopted by the Authority at its annual meeting in July. The schedule of meetings for the current fiscal year of the Authority is available on request. The schedule of meetings is subject to change. The Authority may schedule special meetings in a manner consistent with the by-laws of the Authority. Notice of the time and place of all regular and special meetings will be published in accordance with the Illinois Open Meetings Act, Ill. Rev. Stat. 1985, ch. 102, par. 41 et seq.

Section 1220.160 Eligible Projects

- a) Projects, other than environmental or public purpose projects, must be located in an area of Critical Labor Surplus as defined in the Act.
- b) All projects to be financed on a federal tax-exempt basis must meet eligibility requirements imposed under the Tax Code.
- c) Applicants may seek financing for capital projects, which include but not limited to:

- 1) The acquisition, construction, refurbishment, creation, development or redevelopment of any facility, equipment, machinery, real property, or personal property for use by an entity whether public or private, for profit or not for profit. Project costs also include the associated expenses of a capital project, such as engineering and legal expenses; plans, specifications, surveys, estimates of costs expenses; of the determining the feasibility or practicability of the project. Projects which are structured to receive the benefits of tax exempt status under the Tax Code shall adhere to the expenditure regulations regarding the use of the exempt proceeds.

SUBPART B: BOARD PROCEDURES

Section 1220.200 Scheduling of Project Consideration

- a) The Authority may consider the adoption of an inducement resolution or a loan commitment resolution for a project at the next regularly scheduled meeting of the Authority following the receipt of a completed application not later than four weeks preceding such meeting. Applicants will be notified by letter of the project number assigned to their transaction and of the time and place of the meeting at which their application will be considered. The Authority recommends that applicants attend such meeting in order to answer any questions posed by the Board.
- b) In case of a loan commitment resolution, the Authority resolution shall continue as a valid commitment for a period of time not later than the end of the sixth month following the date of the resolution. The Authority may extend the resolution for an additional six months by motion adopted by the Board.

- c) Any material change in the financing structure or the financial condition of the borrower between the date of adoption of a resolution and closing of the transaction shall require the reconsideration by the Board.

Section 1220.210 Staff Review

The staff of the Authority will review each complete application and place it on the agenda for consideration by the Board of the Authority. The staff will make a recommendation for Board action with respect to each project based upon the criteria set forth in Sections 1220.230 and 1220.240. The recommendations of the staff are not binding on the Board.

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Section 1220.220 Authority Action

- a) The Board, using the criteria set forth in Sections 1220.230 and 1220.240 will review each application for issuance of its revenue bonds to finance a project and take any one of the following actions:
 - 1) Adopt an inducement or loan commitment resolution.
 - 2) Decline to adopt an inducement or loan commitment resolution with respect to the project.
 - 3) Table consideration of the project to allow further time for consideration by the Board or for submission of additional information by the borrower.
- b) The Authority may reconsider applications which have not received inducement resolutions if requested by the borrower and if a motion to so reconsider is made by a member of the Authority who was either absent or voted "no" at the time the application was originally considered.

Section 1220.230 General Criteria for Approval

In determining whether to recommend an application for financing under Section 1220.220, the Authority staff shall take into account the following criteria:

- a) The financial responsibility of the borrower and user of the project, including:
 - 1) The readiness of the project to proceed;
 - 2) In the case of a revenue bond of the Authority, the nature of the commitment of the proposed purchaser, the nature of the bond security, and the likelihood that the bond purchaser will be repaid;
 - 3) The likelihood that the project would not proceed without the benefit of Authority financing;
 - 4) Whether the project is one of several projects to be financed through a pooled bond issue;
 - 5) In the case of a loan or other use of Authority's funds, the ability of the borrower to repay the Authority and the sufficiency of available collateral;

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- b) The relationship between the amount of funds to be provided by the Authority and each of the following:
 - 1) The number and type of jobs produced or retained by the project, including jobs in the construction industry;
 - 2) The contribution the project will make to the economic development of the area in which it is located and the need for such development;
 - 3) The need or demand for the goods and services to be provided by the project;
 - 4) Whether the project will result in the retention of businesses and jobs in the State which would otherwise be lost to the State; and
 - 5) In the case of an environmental project, the environmental benefits of the project.
- c) Such other evidence which the borrower makes available to demonstrate that the project advances the objectives of the Act or the Environmental Act, as the case may be.

Section 1220.240 Additional Criteria for Commercial Projects

In addition to the criteria established in Section 1220.230, in the case of commercial projects the Authority shall consider whether and to what extent any of the following conditions exists:

- a) The project will be occupied in whole or in substantial part by the owner of the project who is expanding his or her business and increasing employment, or whether all or a substantial part of the project has been leased to a tenant or tenants who are expanding their businesses and increasing employment.
- b) The project has special features which are designed to attract start-up companies, and the owner can demonstrate the likelihood of success for the project; for example, incubator facilities and projects which provide shared or low-cost services to small businesses.
- c) The project demonstrates a likelihood of occupancy and is located in:
 - 1) an enterprises zone;

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- 2) a tax increment financing district;
 - 3) an officially designated slum or blighted area under state law; or
 - 4) any other district specifically designated for economic development by the municipality in which the project is located.
- d) The owner can demonstrate a reasonable expectation of increased employment from the project based upon his or her past experience in developing and leasing similar projects or upon the market for similar projects in the area.

Section 1220.250 Submission of Documents

In order for a bond financing to be considered for final resolution at the monthly meeting of the Authority, a bond purchase commitment and copies of all major financing documents, including any official statement or offering memorandum in substantially final form must be submitted to the Authority not less than 12 calendar days in advance of the applicable meeting date. Documents will be regarded as in substantially final form when submitted with a bond purchase commitment and a letter from bond counsel which states that fact. In addition, any public hearings required under the Tax Code must be held prior to the adoption of a final resolution. Bond counsel should notify the Authority at least 7 calendar days prior to the date of the meeting if the amount of the bonds to be issued has changed from the amount set forth in the inducement resolution. During December, and within the calendar month preceding the effective date of any tax bill passed by either house of the United States Congress, the Authority may shorten the foregoing deadlines for projects pending at such time.

SUBPART C: ADDITIONAL PROCEDURES

Section 1220.300 Public Hearing Procedures and Responsibilities

In the case of a project which is to be financed as a private activity bond, as that term is used in the Tax Code, Bond counsel and borrowers are responsible for ensuring compliance with the public notice and hearing requirements of the Tax Code. The Authority has established the following procedures in this subpart to assist in meeting these requirements.

- a) Public hearings will be held on Monday immediately preceding each regular meeting of the Authority. If that Monday is a public holiday, however, the public hearing will be held on the next day.

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Bond counsel for the project must request the Authority to hold a public hearing for a project prior to the meeting of the Authority at which the final resolution for such project will be adopted. Public hearings will be held by a designated officer or employee of the Authority commencing at 9:00 a.m. on the hearing date at the offices of Illinois Department of Commerce and Community Affairs, 620 East Adams Street, Springfield, Illinois, or such other location designated by the Authority from time to time. Bond counsel should select a proposed date for the public hearing and notify the Authority and Authority counsel of it in writing at least three weeks prior to the date selected. Bond counsel should include with this notification a copy of the proposed notice of public hearing.

- b) During the months of November and December, and during the two months preceding the effective date of any tax bill passed by either house of the United States Congress, the Authority may revise its schedule of public hearings to increase the number of public hearings to be held. Bond counsel should consult with Authority staff to assure that the needs of project are able to be accommodated.

- c) The applicant and its bond counsel are responsible for publication of public notice of any hearing required under the Tax Code not less than two weeks prior to the date selected for such hearing. Public notice must be published in the State Journal - Register in Springfield, Illinois and in a newspaper of general circulation available to residents of the locality of the facility to be financed.

- d) Bond Counsel should arrange for affidavits of publication evidencing the required publication of public notice of any hearing required under the Tax Code to be sent to and received by the Authority at least two business days before the public hearing.

Section 1220.310 Final Public Approval

The Governor of the State serves as the applicable elected representative for purposes of the public approval requirement of the Tax Code. The Authority will not submit requests for approval to the Governor until the public hearing has been held and the Authority has adopted a final resolution authorizing the issuance and sale of the bonds.

Section 1220.320 Requests for Allocation

- a) The Authority will not allocated volume cap or request an

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allocation of volume cap from the Governor's office until all basic documents for the transaction have been submitted to the Authority in substantially final form, a public hearing with request to the financing has been duly held and the Authority has adopted a final resolution authorizing the issuance and confirming the sale of the bonds. However, during the months of November and December and during the two months preceding the effective date of any tax bill passed by either house of the United States Congress, the Authority may waive the requirements that a final resolution be passed prior to submission by the Authority of a request for allocation for all projects pending at the time of such waiver.

- b) During the calendar year, the Authority may receive cessions of bonding volume. Such ceded bonding volume may be restricted or unrestricted, depending on the resolution of the municipality pursuant to which it is ceded. If restricted, the Authority will use such amount of ceded bonding volume in conformity with such restrictions.

Section 1220.330 Amendatory Resolutions

If material changes are made to a project or the terms of the financing, an amendatory resolution may be required. Borrowers are responsible to notify the Authority in writing and consult bond counsel and counsel to the Authority if material changes are to be made to the project or the terms of the financing which would require the adoption of such an amendatory resolution. Such an amendatory resolution will be considered at the next regular meeting of the Authority occurring not sooner than two weeks following receipt by the Authority of such written notice.

SUBPART D: POOLED BOND ISSUES

Section 1220.400 Bond Counsel on Pooled Bond Issues

The Authority will select bond counsel to be used on all pooled financings. Such bond counsel may be paid from bond proceeds. Each borrower in a pooled financing must be represented by its own general counsel.

Section 1220.410 Program Requirements; Standardized Documents

The Authority will prescribe program requirements for each pooled financing on an issue by issue basis. Such program requirements will relate primarily to the individual deal structure and may relate to such matters

as minimum and maximum loan sizes, and requirements to maintain the tax-exempt status of a pooled financing. In addition, on all pooled financings borrowers and participating banks may be required to use standardized forms of certain documents prepared by bond counsel or counsel to the Authority.

SUBPART E: MISCELLANEOUS

Section 1220.500 Transcripts

- a) The Authority must receive after the bond closing one unbound set of originally executed counterparts of all closing documents and one bound volume containing copies of all closing documents, the cost of which shall be borne by the borrower. Both the unbound transcript and the bound volume should include an index of closing documents or closing memorandum incorporating such index. The Authority should receive the unbound transcript within one month of the closing and the bound volume within three months after the closing.
- b) Each document in the unbound transcript should be filed in a separate pocket, envelope or folder.
- c) The bound volume must be permanently bound with library binding, with a dark blue or black cover in buckram (or its equivalent) and gold lettering.
- d) The spine of the bound volume should contain the following information:
- 1) The name of the project;
 - 2) The amount of the bond issue;
 - 3) The type of bond issue (i.e., IDB, or Pollution Control);
 - 4) The name "Illinois Development Finance Authority";
 - 5) The final maturity date of the bonds; and
 - 6) The series designation, if any (i.e., Series 198X).
- e) The cover of the bound volume should contain the following information:
- 1) The name of the project;
 - 2) The amount of the bond issue;
 - 3) The type of bond issue; and
 - 4) The name "Illinois Development Finance Authority."
- f) If the documents are bound in more than one volume, each volume

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should specify which documents are contained in that volume (i.e., Vol. I - closing documents 1-7; Vol. II - closing documents 8-45).

- g) If the unbound transcript or bound volume does not meet these specifications, it will be returned and another bound volume or unbound transcript meeting these specifications will be required.

Section 1220.510 Authority Fees

- a) Authority is statutorily required to support itself through charging fees to applicants, interest on its loans and making investments.
- b) The Authority shall establish appropriate fees from time to time, and shall publish such fees applicable to each of its program. The Authority will provide applicants with detailed information concerning the fees applicable to the particular project.
- c) Borrowers are advised that the Authority fees do not include any other party involved in the financing unless specifically stated. Borrowers should consult their counsel or financial advisor as to the fees of other parties.

Section 1220.520 Noncompliance and Waiver.

Noncompliance by the Authority with any provisions of this rulemaking will not invalidate any action taken by the Authority pursuant to a duly adopted resolution of the Authority within the powers delegated to the Authority under the Act. The Authority may, by a vote of eight (8) members, waive any provision of this rulemaking. In any resolution of the Authority waiving a provision of this rulemaking, the Authority will make findings of fact inducing it to waive the rule in question.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Advertising and Sales Promotion of Life Insurance and Annuities

- 2) Code Citation: 50 Ill. Adm. Code 909

- 3) Section Numbers: Proposed Action:
909.50 Amended

- 4) Statutory Authority: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 761, 763, 848, 849, 1033, 1065.49 and 1013).

- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 155.05 of the Insurance Code, two additional disclosure requirements need to be added to this rule in order to ensure that the family or representative of the deceased is not deprived of the advantages of open competition and unrestricted choice in the procuring and purchasing of supplies and services in connection with the burial of the deceased.

- 6) Will this proposed rule replace emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rulemaking contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Not applicable

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kirk H. Petersen, Assistant Chief Counsel
Department of Insurance
320 West Washington
Springfield, Illinois 62767

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- 12) Initial Regulatory Flexibility Analysis: The Department has determined that these amendments will not affect small businesses.

The full text of the Proposed Amendments begins on the next page:

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DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 909

ADVERTISING AND SALES PROMOTION OF
LIFE INSURANCE AND ANNUITIES

Section
909.10
909.20
909.30
909.40
909.50
909.60
909.70
909.80
909.90
909.100
909.110
909.120

Authority
Definitions
Applicability
Form and Content of Advertisements
Disclosure Requirements
Identity of Insurer
Jurisdictional Licensing and Status of Insurer
Statements About an Insurer
Enforcement Procedures
Penalties (Renumbered)
Conflict with Other Rules (Renumbered)
Severability Provision (Renumbered)

AUTHORITY: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 761, 763, 848, 849, 1033, 1065.49 and 1013).

SOURCE: Filed April 26, 1976, effective May 7, 1976; codified at 7 Ill. Reg. 3460; amended at 14 Ill. Reg. 13584, effective August 14, 1990; amended at _____, Ill. Reg. _____, effective _____.

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Section 909.50 Disclosure Requirements

- a) The information required to be disclosed by this Rule shall not be minimized, rendered obscure or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading.
- b) No advertisement shall omit material information or use words, phrases, statements, references or illustrations if such omission or such use has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of the insurer, any policy benefit payable, loss covered, premium payable or state or federal tax consequences. The fact that the policy offered is made available to a prospective insured for inspection prior to consummation of the sale, or an offer is made to refund the premium if the purchaser is not satisfied, does not remedy misleading statements.
- c) In the event an advertisement used "Non-Medical," "No Medical Examination Required" or similar terms where issue is not guaranteed, such terms shall be accompanied by a further disclosure of equal prominence and in juxtaposition thereto to the effect that issuance of the policy may depend upon the answers to the health questions.
- d) An advertisement shall not use as the name or title of a life insurance policy or an annuity, any phrase which does not include the words "life insurance" or "annuity" unless accompanied by other language clearly indicating it is life insurance.
- e) An advertisement shall prominently include the specific title of the type of the policy being marketed and such title shall not be misleading as to the policy benefits.
- f) An advertisement of an insurance policy marketed by the direct response techniques shall not state or imply that because there is no agent or commission included, there will be a cost saving to prospective purchasers unless such is the fact. No such cost savings may be stated or implied without justification satisfactory to the Insurance Director prior to use.

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- g) An advertisement for a policy containing graded or modified benefits shall prominently display any limitation of benefits. If the premium is level and coverage decrease or increases with age or duration, such fact shall be prominently disclosed.
- h) An advertisement for a policy with non-level premiums shall prominently describe the premium changes.
- i) Dividends
 - 1) An advertisement shall not utilize or describe dividends in a manner which is misleading or has the capacity or tendency to mislead.
 - 2) An advertisement shall not state or imply that the payment or amount of dividends is guaranteed. If dividends are illustrated they must be based on the insurer's current dividend scale and the illustration must contain a statement to the effect that they are not to be construed as guarantees or estimates of dividends to be paid in the future.
 - 3) An advertisement shall not state or imply that illustrated dividends under a participating policy and/or pure endowments will be or can be sufficient at any future time to assure, without the further payment of premiums, the receipt of benefits, such as a paid-up policy, unless the advertisement clearly and precisely explains
 - A) what benefits or coverage would be provided at such time and
 - B) under what conditions this would occur.
- j) An advertisement shall not state that a purchaser of a policy will share in or receive a stated percentage or portion of the earnings on the general account assets of the company.
- k) Testimonials or Endorsements by Third Parties
 - 1) Testimonials used in advertisements must be genuine; represent the current opinion of the author; be applicable to the policy advertised, if any; and be accurately reproduced. In using a

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testimonial the insurer makes as its own all of the statements contained therein, and such statements are subject to all the provisions of this Rule.

- 2) If the individual making a testimonial or an endorsement has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee or otherwise, or receives any benefit directly or indirectly other than required union scale wages, such fact shall be disclosed in the advertisement.
- 3) An advertisement shall not state or imply that an insurer or policy has been approved or endorsed by a group of individuals, society, association or other organization unless such is the fact and unless any proprietary relationship between an organization and the insurer is disclosed. If the entity making the endorsement or testimonial is owned, controlled or managed by the insurer, or receives any payment or other consideration from the insurer, for making such endorsement or testimonial, such fact shall be disclosed in the advertisement.
- 1) An advertisement shall not contain statistical information relating to any insurer or policy unless it accurately reflects recent and relevant facts. The source of any such statistics used in an advertisement shall be identified therein.
- m) Introductory, Initial or Special Offers and Enrollment Periods
 - 1) An advertisement of an individual policy or combination of such policies shall not state or imply that such policy or combination of such policies is an introductory, initial or special offer or that applicants will receive substantial advantages not available at a later date, or that the offer is available only to a specified group of individuals, unless such is the fact. An advertisement shall not describe an enrollment period as "special" or "limited" or use similar words or phrases in describing it when the insurer uses successive enrollment periods as its usual method of marketing its policies.

- 2) An advertisement shall not state or imply that only a specific number of policies will be sold, or that a time is fixed for the discontinuance of the sale of the particular policy advertised because of special advantages available in the policy.

- 3) An advertisement shall not offer a policy which utilizes a reduced initial rate in a manner which overemphasizes the availability and the amount of the initial premium. When an insurer charges an initial premium that differs in amount from the amount of the renewal premium payable on the same mode, all references to the reduced initial premium shall be followed by an asterisk or other appropriate symbol which refers the reader to that specific portion of the advertisement which contains a full rate schedule for the policy being advertised.

- 4) An enrollment period during which a particular insurance policy may be purchased on an individual basis shall not be offered within this State unless there has been a lapse of not less than six months between the close of the immediately preceding enrollment period for the same policy and the opening of the new enrollment period. The advertisement shall specify the date by which the applicant must mail the application, which shall be not less than ten days and not more than forty days following the date on which such enrollment period is advertised for the first time. This Rule applies to all advertising media: i.e., mail, newspapers, radio, television, magazines and periodicals, by any one insurer. The phrase "any one insurer" includes all the affiliated companies of a group of insurance companies under common management or control. This Rule does not apply to the use of a termination or cut-off date beyond which an individual application for a guaranteed issue policy will not be accepted by an insurer in those instances where the application has been sent to the applicant in response to his request. It is also inapplicable to solicitations to employees or members of a particular group or association which otherwise would be eligible under specific provisions of the Insurance Code for group or blanket insurance. In cases where an insurance product is marketed on a direct mail basis to prospective

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insureds by reason of some common relationship with a sponsoring organization, this Rule shall be applied separately to such sponsoring organization.

- n) An advertisement of a particular policy shall not state or imply that prospective insureds shall be or become members of a special class, group, or quasi-group and as such enjoy special rates, dividends or underwriting privileges, unless such is the fact.
- o) An advertisement shall not make unfair or incomplete comparisons of policies, benefits, dividends or rates of other insurers. An advertisement shall not falsely or unfairly describe other insurers, their policies, services or methods of marketing.
- p) An advertisement for the solicitation or sale of a preneed funeral contract or prearrangement as defined in Section 909.20 above, which is funded or to be funded by a life insurance policy or annuity contract shall disclose the following:

- 1) the fact that a life insurance policy or annuity contract is involved or being used to fund a prearrangement as defined in Section 909.20, and
- 2) the nature of the relationship among the soliciting producer or producers, the provider of the funeral merchandise or services, the administrator and any other persons.
- 3) the fact that the family or representative of the deceased has the right to change the choice of the prearranged provider of funeral/cemetery merchandise and services upon the demise of the insured.
- 4) the fact that in the event the policy proceeds exceed the prearranged cost for funeral/cemetery merchandise and services, the express proceeds will be payable to a secondary beneficiary.

(Source: Amended by Ill. Reg. _____, effective _____)

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Recipient's Property
- 2) Code Citation: 59 Ill. Adm. Code 110
- 3) Section Number: 110.20
Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 20 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1989, ch. 91½, par. 100-20, as amended by P.A. 86-1324, effective September 6, 1990) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1989, ch. 91½, par. 100-5, as amended by P.A. 86-1324, effective September 6, 1990).

5) A Complete Description of the Subjects and Issues Involved:

Section 110.20 is being amended to reflect an amendment to the Illinois Department of Public Aid's rule at 89 Ill. Adm. Code 120.382 which raised the allowable reserve exemption for recipients. In addition, Section 110.20 is being amended to clarify and update language and reflect current Department procedures.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? This rulemaking contains no incorporations by reference in accordance with Section 6.02(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1006.02(b)).

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.).

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

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Rules Administrator, Department of Mental Health and Developmental Disabilities, 402 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

- 12 Initial Regulatory Flexibility Analysis: This rulemaking does not impact small businesses.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 110
RECIPIENT'S PROPERTY

Section

- 110.10 Disposition of unclaimed personal property
110.20 Handling of recipient's personal property other than clothing

AUTHORITY: Implementing Section 100-20 of "AN Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities Act" (Ill. Rev. Stat. 1985 1989, ch. 91½, par. 100-20, as amended by P.A. 86-1324, effective September 6, 1990) authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1985 1989, ch. 91½, par. 5-104) and by Section 5 of "AN Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities Act" (Ill. Rev. Stat. 1985 1989, ch. 91½, par. 100-5, as amended by P.A. 86-1324, effective September 6, 1990).

SOURCE: Effective October 1, 1969; amended and effective November 1, 1974; codified at 5 Ill. Reg. page 10724; amended at 11 Ill. Reg. 7633, effective April 15, 1987, amended at 15 Ill. Reg. _____, effective _____.

- Section 110.20 Handling of recipient's personal property other than clothing

a) Definitions

For purposes of this Section, the following terms are defined:

"Code." The Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 1-100 et seq.).

"Informed consent." Permission voluntarily granted by the recipient or properly empowered guardian for the release of information, for participation in the program services specified in the treatment plan, for the use of a specific procedure in the plan, or for designating the facility director as representative payee. Informed consent means full disclosure to the recipient or properly empowered guardian of the information required for him or her to make the decision intelligently.

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"Properly empowered guardian." A court-appointed guardian of the person with specific authority to make decisions concerning the recipient's financial transactions or a court-appointed guardian of the estate.

** b) Introduction

- 1) When a recipient is admitted to a Department facility such as recipient or the recipient's properly empowered guardian may authorize the facility to establish a trust fund account in accordance with Section 20 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1989, ch. 91, par. 100-20, as amended by P.A. 86-1324, effective September 6, 1990), using form DMHDD-623, Trust Fund Deposit Authorization. Any monetary assets in the recipient's possession at the time of admission may be deposited in such an account. The recipient shall be advised that:

- A) He/ or she may retain money and deposit it in a financial institution or use it as he/ or she chooses, unless he/ or she is a minor or is prohibited from doing so under a court guardianship order, in accordance with Section 2-105 of the Code.
- B) He/ or she may revoke the authorization for the trust fund account, using form DMHDD-623c, Revocation of Authorization.
- C) Any funds deposited in the trust fund shall earn interest based on the end of the month/quarter balance and if funds are withdrawn prior to the end of the month/quarter, no interest will be paid for the period.

- 2) Accounting records shall provide separate entries for those funds (checks) made payable to the recipient and those funds (such as checks from the Social Security Administration, Railroad Retirement or the Veterans' Administration) made payable to the facility director on behalf of the recipient. Only qualified clinical personnel at the facility can make statements or answer questions on applications for facility directors to be selected as payee of the recipient's Social Security, Railroad Retirement or other these benefits which relate to the recipient's ability or competency to manage his/ or her own funds.

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- 3) Except when a recipient or the properly empowered guardian has given informed consent, no service provider nor any of its employees shall be made representative payee for the recipient's Social Security pension, annuity, trust fund, or any other form of direct payment or assistance, as provided by Section 2-105 of the Code. When a facility director is selected as representative payee, Social Security benefit checks are credited to the recipient's trust fund ledger account. An amount of \$40.00 or the amount which is allowed by the funder shall be set aside for the recipient's personal needs prior to establishing services charges.

- 4) The allowable reserve exemption, as provided for in Section 5-106 of the Code, is equal to the amount of assets an individual a recipient owns at the time of admission and will shall not be utilized used for services charges. The allowable reserve exemption from all sources cannot exceed \$1,500-00 that established by the Illinois Department of Public Aid at 89 Ill. Adm. Code 120.382. The recipient's allowable reserve exemption can only be increased by the unused portions of the monthly personal clothing allowance (as defined in subsection (a)(3)) above or unspent workshop or other monetary incentive funds such as living skills program funds. Amounts exceeding those allocated for the recipient's personal use are applied to the services charges of the recipient. Payments to be paid by the recipient for services charges may not be deferred to build a maximum reserve of \$1,500-00 up to the maximum amount allowed. The reserve fund can be used by the recipient in support of release discharge planning, or other needs as determined by the recipient or other individual who has authority over the recipient's resources properly empowered guardian, or in the case of a recipient still hospitalized at the time of death, for burial.

- 5) Competent -rRecipients who are not legally disabled with trust funds shall be asked to sign form DMHDD-623, Trust Fund Deposit Authorization. Properly empowered guardians must sign for legally disabled recipients.

- 6) The Revenue Management and Cost Accounting Section or the facility resource unit shall be notified immediately whenever any recipient or properly empowered guardian refuses to sign form DMHDD-623. If the recipient or properly empowered guardian does not sign form DMHDD-623, no funds from his/her the recipient's trust fund made payable to the recipient may be used to defray services charges without a

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court order. Competent --r Recipients who are not legally disabled whose funds are payable to themselves shall be billed for services charges and collection shall proceed as provided by Section 5-113 of the Mental--Health--and Developmental--Disabilities Code (111--Rev--Stat--1985--ch--91--par--5-113) and 59 Ill. Adm. Code 106.

7) When a recipient is admitted to a Department facility, all personal property shall be deposited in the business office for safekeeping if authorized by the recipient or properly empowered guardian.

8) Bank vault keys shall not be released to any person other than the recipient or properly empowered a court-appointed guardian submitting a certified copy of his/ or her appointment. If a person other than a properly empowered guardian has obtained a court order for the release of bank vault keys and presents this order to the facility director, the Revenue Management and Cost Accounting Section or the facility resource unit shall be immediately notified so that an employee may be present at the opening of the vault. The business manager shall report any pass books which come into his/ or her possession to either the Revenue Management and Cost Accounting Section or the facility resource unit immediately upon possession or as soon thereafter as possible and shall retain these books in the personal property files.

b) c) Discharge

For those recipients who have received Social Security benefits, the facility director or designee must notify the Social Security Administration within 10 working days after these recipients received absolute or conditional are discharged.

1) Competent --r Recipients who are not legally disabled (including veterans)

A) Authorization must be secured in writing to expend monies or release property of competent recipients who are not legally disabled for any purpose, including services charges, except when the facility director has been named payee by the Social Security Administration or Railroad Retirement Board, or legal custodian by the Veterans' Administration. The facility director's authority to disburse funds from the trust fund without the recipient's or the recipient's properly empowered guardian's authorization

tion shall be limited to those funds made payable to the facility director as a payee or agent of the recipient.

B) When discharge plans have been made, the facility director shall designate an employee to be responsible for discussing with the recipient or the recipient's properly empowered guardian the disposition of monies remaining in the trust fund account. The discussion should include the following information:

i) The recipient applying for or approved for assistance from the Department of Public Aid is subject to regulations the rules of that agency depending on the amount of assets owned at the time of the recipient's admission.

ii) The recipient may take his/ or her funds with him/ or her to the place where he/she the recipient will be living, or may arrange for an alternative dispositions of all or part of his/ or her money such as savings accounts, checking accounts, or purchase of United States savings bonds--etc. The facility director shall comply with the recipient's or the recipient's properly empowered guardian's wishes regarding the disposition of his/ or her funds other than those made payable to the facility director on the recipient's behalf. of the recipient.

iii) If there are amounts due for services charges, the recipient or the recipient's properly empowered guardian can, at this time, authorize the release of funds for payment and that, if payment from the trust fund is not authorized toward services charges due, that the recipient will be billed and will be subject to statutory collection procedures in accordance with Section 5-113 of the Code (111--Rev--Stat--1985--ch--91--par--5-113).

iv) Eligibility of the recipient for programs administered by the Department of Public Aid when applicable.

v) The amount of money appropriate for a person going to a nursing home or a sheltered care home

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placed in a long-term care facility as defined by the Nursing Home Care Reform Act of 1979 (Ill. Rev. Stat. 1985 1989, ch. 111, pars. 4151-101 et seq.) or placed in a community-integrated living arrangement as defined by Section 3(d) of the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1989, ch. 91, par. 1703(d)) and discussion of how best to handle that sum and any excess (see subsection (b)(1)(B)(ii) above).

- 2) incompetent Legally disabled veterans and veterans' incompetent legally disabled beneficiaries (funds received from the Veterans' Administration)

An amount not to exceed \$100-00 that allowed by the Veterans' Administration (38 U.S.C. 521, 541 and 542) may be released to the recipient, responsible relative, or properly empowered guardian pending receipt of a request to the Veterans' Administration for instructions from the Veterans' Administration by the facility regarding the trust fund balance of funds received from the Veterans' Administration. A copy of any instructions received from the Veterans' Administration shall be sent to either the Revenue Management and Cost Accounting Section or the facility resource unit.

- 3) incompetent Legally disabled recipients

A) If there is a court-appointed properly empowered guardian, the properly empowered guardian shall be notified regarding the trust fund balance and unpaid services charges and instructions shall be secured from him or her. In such cases, any assets or personal effects released to the properly empowered guardian, the date of discharge and amount of money or list of effects released, and the date of release shall be immediately reported to the Revenue Management and Cost Accounting Section or facility resource unit.

B) If there is no properly empowered guardian, the funding source shall be notified of the imminent discharge and of the recipient with a request made to that the funding source name an appropriate protective representative payee. If the recipient is not eligible

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for public assistance, an attempt shall be made to restore him or her to competence non-legally disabled status in the local court. If the facility believes that the recipient is non-restorable and that the recipient has more than \$1000.00 in his or her trust fund, the facility director or designee shall contact the Office of Legal Services Counsel for assistance in appointing a properly empowered guardian. The Revenue Management and Cost Accounting Section or facility resource unit shall be notified when any incompetent legally disabled recipient is to be discharged.

- C) When the recipient is discharged, the facility director shall advise either the Revenue Management and Cost Accounting Section or the facility resource unit regarding the remaining balance in the trust fund account, source of funds, and other pertinent details such as disbursement restrictions, discharge needs, and location of bank accounts.

e) d) Death

1) The facility director may authorize the arrangements for the burial of a recipient and the necessary expenses connected with such burial up to \$1,500.00. This includes burial amounts received from the Veterans' Administration, the Social Security Administration, the value of cemetery lots, and prepaid burial expenses, etc. Burial of recipients receiving or qualifying for medical assistance shall be governed by the regulations of the Department of Public Aid. Plans for burial shall be worked out arranged by a staff member designated by the facility director. Payments to funeral directors shall be made only on receipt of itemized statements and only for the amount authorized.

2) Facility staff shall determine if the recipient was insured, and shall report the amount of the policy, name of the beneficiary, name of the insurance company, and policy number or numbers to either the Revenue Management and Cost Accounting Section or the facility resource unit.

3) Upon receipt of a certified copy of Letters of Administration, Letters Testamentary or a properly executed Small Estates Affidavit and an Attorney General's Consent to Transfer Funds, disbursement shall be made of the trust fund balances. Information regarding release of such funds shall be reported immediately by INFONET (information network) or

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telephone--to--either--the--Revenue--Management--and--Cost
Accounting--Section--or to the facility resource unit.

4) Lump-sum benefits

A) Recipients of Social Security benefits who have wage records are entitled to lump-sum benefits for burial of three times the amount of the monthly benefit, except that the maximum lump-sum payment shall not exceed \$255.00.

B) Relatives shall be advised of any lump-sum entitlement and shall be informed that they should make their own arrangements for the recipient's burial of--the recipient, and that they should request payment of the lump-sum benefit directly from the Social Security Administration. If the trust fund accumulation is used for burial, the facility director shall make a claim to the Social Security Administration for the lump-sum benefit as trustee of the recipient's funds. The Social Security Administration will also reimburse the facility if the funeral expense is paid from a General Revenue Fund appropriation. The amount of the lump-sum death benefit shall be reported to either--the Revenue Management--and--Cost--Accounting--Section--or the facility resource unit when received. When full charges for services have not been satisfied, billing shall be issued for any unpaid amount taking into account the balance in the trust fund. When balances are reported to the Social Security Administration the amount of unpaid services charges should also be reported.

5) If the recipient's estate is not admitted to Probate, the Revenue--Management--and--Cost--Accounting--Section--or the facility resource unit shall issue billing against the trust fund account of the decedent for any balance remaining, up to the amount of unpaid balance, based on the maximum per capita services charges (59 Ill. Adm. Code 106.25).

d) e) Discharge to community placement

In determining charges for the services of a recipient to be placed in the community placement program, consideration shall be given to the recipient's immediate needs and his/ or her eligibility for public assistance. A report shall be made for all recipients placed in the community placement program on form BMHDD-1240;--Trust-Fund-Report-and-Transmittal-Advice-on-Discharge

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to--Community--Placement--or--inter-Facility--Transfer--of--Recipients--
DMHDD-403c, Financial Questionnaire, to the Community
Reimbursements--and Contracts, Grants, Purchase--of--Care and
Procurement Rates Section (aftercare service). If there is a trust
fund balance, a copy of form BMHDD-1240 DMHDD-403c, shall be sent
to either--the Revenue--Management--and--Cost--Accounting--Section--or
the facility resource unit. Recipients to be discharged and placed
in nursing homes or sheltered-care homes may have the reserve fund
from the trust fund used to pay for their care in the home if they
are otherwise eligible for public assistance, except that the sum
in the trust fund plus other liquid assets cannot exceed the
amount set forth in Department of Public Aid rules, at 89 Ill.
Adm. Code 120.382. Money from the trust fund may be so used only
to the extent permitted by the Department of Public Aid to enable
the recipient to receive public assistance on his/her discharge
from the facility.

e) f) General

1) All trust fund balances for discharged recipients shall be reported by ~~INFONEF~~ either to the Revenue Management and Cost-Accounting-Section or to the facility resource unit and shall show the net balance available for use in establishing charges for services. Facility claims for clothing shall be deducted before reporting this balance. Money credited on commissary cards shall be included in the balance.

2) All trust fund balances for deceased recipients shall be reported by ~~INFONEF~~ to either the Revenue Management and Cost-Accounting-Section or to the facility resource unit and shall show in detail all burial and death benefits.

3) Facilities shall not remit funds to pay services charges until receipt of an official billing statement. Funds may be remitted to pay services charges from recipient trust funds only if the recipient or the recipient's properly empowered guardian, has consented or the funds remitted represent funds made payable to the facility director.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Proposed Action:

112.101 Amendment
112.130 Amendment

4) Statutory Authority: Sections 4-1.6, 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1.6, 4-2 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: Section 5053 of P.L. 101-508 amends Section 402 (a)(39) of the Social Security Act to remove the term "legal guardian". The Act previously required that in determining AFDC benefits for a dependent child whose parent or legal guardian is under age 18, the State agency must include the income of the minor parent's own parents or legal guardians who are living in the home. This change recognizes the fact that legal guardianship is not relevant to eligibility determinations or the deeming of income under the AFDC program.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|--|
| 112.70 | Amendment | February 15, 1991 (15 Ill. Reg. 2521) |
| 112.74 | Amendment | February 15, 1991 (15 Ill. Reg. 2521) |
| 112.78 | Amendment | February 15, 1991 (15 Ill. Reg. 2521) |

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Section Numbers Proposed Action Illinois Register Citation

112.79 Amendment February 15, 1991
(15 Ill. Reg. 2521)

112.80 Amendment February 15, 1991
(15 Ill. Reg. 2521)

112.82 Amendment February 15, 1991
(15 Ill. Reg. 2521)

112.110 Amendment April 19, 1991
(15 Ill. Reg. 5502)

112.151 Amendment April 19, 1991
(15 Ill. Reg. 5502)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Bldg. II, 100 South Grand Avenue East, 3rd Flr., Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

Young Parents Program
Work Experience Evaluation Project
Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section
112.70 Participation Requirements For Project Chance
112.71 Individuals Exempt From Project Chance
112.72 Project Chance Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 Project Chance Initial Assessment
112.76 Process/Development of an Employability Plan
112.77 Project Chance Orientation
112.78 Conciliation and Fair Hearings
112.79 Project Chance Components
112.80 Project Chance Sanctions
112.81 Good Cause for Failure to Comply With Project Chance Participation Requirements
112.82 Responsible Relative Eligibility For Project Chance
Project Chance Supportive Services

Section
112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
112.93 Individuals Exempt From Project Advance
112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent, or Parent ex-legat-Guardian
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment

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| Section | |
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| 112.135 | Budgeting Earned Income For Contractual Employees |
| 112.136 | Budgeting Earned Income For Non-Contractual School Employees |
| 112.137 | Termination of Employment |
| 112.138 | Transitional Payments |
| 112.140 | Exempt Earned Income |
| 112.141 | Earned Income Exemption |
| 112.142 | Exclusion From Earned Income Exemption |
| 112.143 | Recognized Employment Expenses |
| 112.144 | Income From Work/Study/Training Program |
| 112.145 | Earned Income From Self-Employment |
| 112.146 | Earned Income From Roomer and Boarder |
| 112.147 | Income From Rental Property |
| 112.148 | Payments from the Illinois Department of Children and Family Services |
| 112.149 | Earned Income In-Kind |
| 112.150 | Assets |
| 112.151 | Exempt Assets |
| 112.152 | Asset Disregards |
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SUBPART H: PAYMENT AMOUNTS

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| 112.250 | Grant Levels |
| 112.251 | Payment Levels in AFDC |
| 112.252 | Payment Levels in AFDC Group I Counties |
| 112.253 | Payment Levels in AFDC Group II Counties |
| 112.254 | Payment Levels in AFDC Group III Counties |

SUBPART I: OTHER PROVISIONS

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| 112.300 | Persons Who May Be Included in the Assistance Unit |
| 112.301 | Presumptive Eligibility |
| 112.302 | Monthly Reporting |
| 112.303 | Retrospective Budgeting |
| 112.304 | Budgeting Schedule |
| 112.305 | Strikers |
| 112.306 | Foster Care Program |
| 112.307 | Responsibility of Sponsors of Aliens |
| 112.308 | Special Needs Authorizations |
| 112.309 | Institutional Status |
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| 112.330 | Twelve Month Extension of Medical Assistance Due to Increased Income from Employment |
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| 112.350 | Child Care |
| 112.352 | Child Care Eligibility |
| 112.354 | Qualified Provider |
| 112.356 | Notification of Available Services |
| 112.358 | Participant Rights and Responsibilities |
| 112.362 | Additional Service to Secure or Maintain Child Care Arrangements |
| 112.364 | Rates of Payment for Child Care |
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SUBPART K: TRANSITIONAL CHILD CARE

| Section | |
|---------|---|
| 112.400 | Transitional Child Care Eligibility |
| 112.404 | Duration of Eligibility for Transitional Child Care |
| 112.406 | Loss of Eligibility for Transitional Child Care |
| 112.408 | Qualified Child Care Providers |
| 112.410 | Notification of Available Services |
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| 112.414 | Child Care Overpayments and Recoveries |
| 112.416 | Fees for Service for Transitional Child Care |
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AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency

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amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective

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July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a

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maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 11 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652,

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effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.101 Unearned Income of Stepparent, or Parent or Legal-Guardian

a) In determining eligibility and level of assistance, the following shall be considered:

- 1) the unearned income of a stepparent of an AFDC child if the stepparent lives with the assistance unit and is not an SSI recipient;
- 2) the unearned income of a parent or legal-guardian of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household. This provision does not apply if the parent or legal-guardian receives SSI.

b) The amount of the total available income of the stepparent, or parent or legal-guardian under subsection (a) above shall be the income remaining after the following amounts have been deducted:

- 1) an amount equal to the Department's standard of need for a family size taking into account the needs of the stepparent, or parent or legal-guardian and the needs of individuals residing with the stepparent, or parent or legal-guardian not included in the assistance unit whom the stepparent, or parent or legal-guardian-claims as federal tax dependents;
- 2) court ordered support obligations of the stepparent, or parent, or legal-guardian;

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Section 112.101 Unearned Income of Stepparent, or Parent of Legal-Guardian (Cont'd)

- 3) amounts paid by the stepparent, or parent of legal-guardian to individuals outside the home whom the stepparent, or parent of legal-guardian claims as federal tax dependents.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 112.130 Earned Income

- a) All currently available income which is not specified as exempt shall be considered in the determination of eligibility and the level of the assistance payment.
- b) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.
- c) In determining eligibility and level of assistance, the following shall be considered:

- 1) the earned income of a stepparent of an AFDC child if the stepparent lives with the assistance unit and is not an SSI recipient;
- 2) the earned income of a parent of legal-guardian of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household. This provision does not apply if the parent of legal-guardian receives SSI.

- d) The amount of the total available income of the stepparent, or parent of legal-guardian under subsection (c) above shall be the income remaining after the following amounts have been deducted:

- 1) As employment expenses, \$90.00 from the gross earned income or income remaining after deducting self-employment business expenses for an employed person (see Section 112.145).

- 2) An amount equal to the Department's Standard of Need for a family size taking into account the

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Section 112.130 Earned Income (Cont'd)

needs of the stepparent, or parent, of legal-guardian, and the needs of individuals residing with the stepparent, or parent of legal-guardian not included in the assistance unit whom the stepparent, or parent of legal-guardian claims or could claim as federal tax dependents;

- 3) Amounts paid by the stepparent, or parent of legal-guardian for alimony or child support to individuals outside the home;

- 4) Amounts paid by the stepparent, or parent of legal-guardian to individuals outside the home whom the stepparent, or parent of legal-guardian claims who could be claimed as federal tax dependents.

- e) Earned income received through the Job Training Partnership Act by all dependent children is exempt for six (6) months each year from comparison to 185% of the Standard of Need (see 89 Ill. Adm. Code 110.10 to 110.100).

- f) Earned income received through the Job Training Partnership Act by dependent children who are full-time students or who are part-time students and not employed full-time (working 100 hours or more per month) is exempt in determining the AFDC grant (see Section 112.140 for a definition of "full-time student" and "part-time students"). Participants in Job Corps are considered students.

- g) Earned income received through the Job Training Partnership Act by dependent children who are not students as described in subsection (f) above is exempt for only six months each year in determining the AFDC grant.

- h) Earned income received by all dependent children who are full-time students or part-time students who are not full-time employed is exempt for six (6) months each year from comparison to 185% of the Standard of Need.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Safety Responsibility Law

2) Code Citation: 92 Ill. Adm. Code 1070

3) Section Numbers: Proposed Action

1070.100

New Section

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 7-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-100 et seq.)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking establishes the notice required to delete or terminate an unsatisfied judgment or accident suspension from the driving record of a bankrupt debtor.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

9) Are there any other amendments pending on this part? No.

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

James C. Economy
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1070

ILLINOIS SAFETY RESPONSIBILITY LAW

Section

1070.10 Forms of Security

1070.20 Future Proof

1070.30 Installment Agreements

1070.40 Disposition of Security

1070.50 Failure to Satisfy Judgment

1070.60 Release From Liability

1070.70 Incomplete Unsatisfied Judgment

1070.80 Driver's License Restriction for

Exclusive Operation of Commercial Vehicles

1070.90 Dormant and Dead Judgments

1070.100 Bankruptcy

AUTHORITY: Implementing and authorized by the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-100 et seq.).

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; new part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. _____, effective _____.

Section 1070.100 Bankruptcy

a) For purposes of this Section, the following definitions shall apply:

"Chapter 13 Wage Earner Plan" - an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Creditor" - a person to whom a debt is owed by another.

"Debtor" - one who owes a debt.

"Deletion of Suspension" - the permanent removal of the suspension from the driving record.

"Department" - Department of Driver Services of the Office of the Secretary of State.

"Discharge in Bankruptcy" - an order by a United States Bankruptcy Court relieving an individual from all of his/her debts which are provable in bankruptcy, except those excluded by the Bankruptcy Act.

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"Notice of Automatic Stay" - any notice received by the Department that indicates a debtor has filed a Petition in Bankruptcy, which automatically stays any proceedings against him pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 U.S.C. Section 362).

"Notice of Meeting of Creditors" - a notice from the United States Bankruptcy Court informing the entities which have a claim against the debtor that the debtor has filed bankruptcy.

"Petition in Bankruptcy" - a petition filed in bankruptcy court, or with the clerk by a debtor seeking the protection of the Bankruptcy Act.

"Schedule A-3" - the Schedule of Creditors from the United States Bankruptcy Court under Chapter 7.

"Schedule of Creditors" - a list of creditors to receive monthly payments under a Chapter 13 Wage Earner Plan of the United States Bankruptcy Court.

"Termination of Suspension" - a suspension which has ended.

"Trustee Report of No Assets" - a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

- b) If a debtor's driving privileges have been or will be suspended because of an unsatisfied judgment or accident pursuant to Section 7-201 et seq. of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 7-201 et seq.), proper notice to the Department shall result in termination or deletion of the suspension from the driving record. Proper notice shall consist of, but not be limited to one of the following:

- 1) Petition in Bankruptcy
- 2) Notice of Meeting of Creditors
- 3) Schedule A-3 or Schedule of Creditors
- 4) Trustee Report of No Assets
- 5) Discharge in Bankruptcy
- 6) Notice of Automatic Stay
- 7) Chapter 13 Wage Earner Plan

- c) The suspension shall be terminated and the file closed as of the date the Department receives proper notice. If proper notice is received prior to the suspension date, the pending suspension will be deleted from the driving record.

- d) The debtor shall notify the Department if the Petition in Bankruptcy has been dismissed or the debt has been discharged in bankruptcy. In the event the debt is not discharged, the suspension will be reinstated upon receipt of proper notice from the United States Bankruptcy Court.

(Source: Added at 15 Ill. Reg. _____, effective _____)

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| | | | |
|----|-------------------------|---------------------------------|------------------------|
| 1) | <u>Heading of Part:</u> | Meat and Poultry Inspection Act | |
| 2) | <u>Code Citation:</u> | 8 Ill. Adm. Code 125 | |
| 3) | <u>Section Numbers</u> | <u>Adopted Action</u> | <u>Section Numbers</u> |
| | 125.10 | Amended | 125.230 |
| | 125.30 | Amended | 125.240 |
| | 125.40 | Amended | 125.250 |
| | 125.50 | Amended | 125.260 |
| | 125.60 | Amended | 125.270 |
| | 125.80 | Amended | 125.280 |
| | 125.90 | Amended | 125.290 |
| | 125.100 | Amended | 125.300 |
| | 125.110 | Amended | 125.305 |
| | 125.120 | Amended | 125.310 |
| | 125.130 | Amended | 125.320 |
| | 125.140 | Amended | 125.330 |
| | 125.150 | Amended | 125.340 |
| | 125.160 | Amended | 125.350 |
| | 125.170 | Amended | 125.360 |
| | 125.180 | Amended | 125.370 |
| | 125.190 | Amended | 125.380 |
| | 125.200 | Amended | 125.390 |
| | 125.210 | Amended | 125.400 |
| | 125.220 | Amended | 125.410 |

4) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 316).

5) Effective Date of amendments: June 7, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? None requiring prior JCAR approval.

8) Date Filed in Agency's Principal Office: June 6, 1991.

9) Notices of Proposal Published in Illinois Register: February 8, 1991; 15 Ill. Reg. 1583

10) Has JCAR issued a Statement of Objections to these rules?
No

11) Differences between proposal and final version: The main source note, and Sections 125.260 and 125.380 have been

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NOTICE OF ADOPTED AMENDMENTS

amended to reflect preemptory rulemakings that have been adopted in the interim.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
N/A

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: In order to maintain an "equal to" status with the federal meat and poultry inspection as required by the Federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of The Meat and Poultry Inspection Act, the federal code as it appeared in 1984 relative to meat and poultry inspection and changes to the rules as they appeared in the federal registers since 1984 were adopted.

To assist the public in locating the rules since 1984 versions of the federal code are difficult to obtain and to eliminate confusion in referring to the subsequent 6 years of federal registers where changes to the rules were adopted, the agency has adopted the latest printed version of the federal rules, which is 1990. At this time, we have updated references to the latest printed edition of the Illinois Revised Statutes. These amendments will not have an impact on the regulated public as changes in the federal rules have already been adopted.

Further, these amendments should create no additional economic impact on the regulated public.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman
Address: Division of Administrative Services
Illinois Department of Agriculture
State Fairgrounds
Springfield, Illinois 62794-9281
Telephone: 217/785-0112

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
 POULTRY INSPECTION

| Section | |
|---------|--|
| 125.10 | Definitions |
| 125.20 | Incorporation by Reference of Federal Rules |
| 125.30 | Application for License; Approval |
| 125.40 | Official Number |
| 125.50 | Inspections; Suspension or Revocation of License |
| 125.60 | Administrative Hearings; Appeals |
| 125.70 | Assignment and Authority of Program Employees |
| 125.80 | Schedule of Operations; Overtime |
| 125.90 | Official Marks of Inspection, Devices and Certificates |
| 125.100 | Records and Reports |
| 125.110 | Exemptions |
| 125.120 | Disposal of Dead Animals and Poultry |
| 125.130 | Reportable Animal and Poultry Diseases |
| 125.140 | Detention; Seizure; Condemnation |

SUBPART B: MEAT INSPECTION

| Section | Livestock and Meat | Products | Entering | Official |
|---------|---|----------|----------|----------|
| 125.150 | Establishments | | | |
| 125.160 | Equine and Equine Products | | | |
| 125.170 | Facilities for Inspection | | | |
| 125.180 | Sanitation | | | |
| 125.190 | Ante-Mortem Inspection | | | |
| 125.200 | Post-Mortem Inspection | | | |
| 125.210 | Disposal of Diseased or Otherwise Adulterated Carcasses and Parts | | | |
| 125.220 | Humane Slaughter of Animals | | | |
| 125.230 | Handling and Disposal of Condemned or Other Inedible Products at Official Establishment | | | |
| 125.240 | Rendering or Other Disposal of Carcasses and Parts Passed for Cooking | | | |
| 125.250 | Marking Products and Their Containers | | | |
| 125.260 | Labeling, Marking and Containers | | | |
| 125.270 | Entry into Official Establishment; Reinspection and Preparation of Product | | | |
| 125.280 | Meat Definitions and Standards of Identity or Composition | | | |

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125.290 Transportation
 125.300 Special Services Relating to Meat and Other Products
 125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

| Section | |
|---------|--|
| 125.310 | Application of Inspection |
| 125.320 | Facilities for Inspection |
| 125.330 | Sanitation |
| 125.340 | Operating Procedures |
| 125.350 | Ante-Mortem Inspection |
| 125.360 | Post-Mortem Inspection; Disposition of Carcasses and Parts |
| 125.370 | Handling and Disposal of Condemned or Inedible Products at Official Establishments |
| 125.380 | Labeling and Containers |
| 125.390 | Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements |
| 125.400 | Definitions and Standards of Identity or Composition |
| 125.410 | Transportation; Sale of Poultry or Poultry Products |

AUTHORITY: Implementing and authorized by The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 301 et seq.) and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill.

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Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 15 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. ⁸⁷¹⁴8801, effective May 29, 1991; amended at 15 Ill. Reg. ⁸⁸⁰¹8801, effective June 7, 1991.

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section 125.10 Definitions

- a) Terms shall be as defined in 9 CFR 301, 303.1(d)(2), (ii), (iii) (a), (b), (d), (e) and (f), (iv), (v) and (vi), 381.1, 381.10(d)(2), (ii), (iii)(a), (b), (d), (iv), (v) and (vi), and 352.1(b) through (t) (1990 ~~1989~~), unless they are otherwise defined in The Meat and Poultry

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Inspection Act (Ill. Rev. Stat. 1989 1987, ch. 56 1/2, par. 301 et seq.) ~~as amended by P.A. 86-217, effective August 15, 1989~~ or in this Section as follows:

"Act" means The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989 1987, ch. 56 1/2, par. 301 et seq.) ~~as amended by P.A. 86-217, effective August 15, 1989~~.

"Approved veterinarian" means any person who has graduated from a veterinary college that is recognized by the American Veterinary Medical Association.

"Birds" shall mean poultry as defined in Section 2.7 of the Act.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product made from rabbits or the processing, handling, or packaging which may affect the wholesomeness of such product.

"Livestock" means cattle, sheep, swine, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and goats.

"Members of the household" means those persons who occupy a single family unit.

b) With regard to the definitions of consumer and similar type establishment, the Director has not designated any other type of establishment or institution under these terms other than those specifically stated in the incorporated language.

c) With regard to the definitions of retail store, only those sections which are incorporated by reference as stated in Section 125.10(a) shall be included in the definition. References within the incorporated language to the section of the federal rules pertaining to operations of types traditionally and usually conducted at retail stores and restaurants refer to the operations defined in Section 5(A) of the Act. No product exempted from inspection in accordance with Section 5 of the Act shall be prepared in any retail store, restaurant or similar retail-type establishment.

d) References in the incorporated language to 9 CFR 312 and 313 shall be interpreted as references to Sections 125.90

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and 125.220 respectively. References to the Humane Methods and Slaughter Act of 1978 shall mean as set forth in Section 125.220.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.30 Application for License; Approval

- a) An application for license to operate an establishment or act as a broker shall be made in accordance with Section 3 of the Act. A fee as set forth in Section 3(b) of the Act shall accompany the license application.
- b) When there is a change in the ownership of the brokerage business or of the establishment or of any tenant or subsidiary of the licensee, a new application for license shall be submitted by the person desiring to operate the establishment or act as a broker in accordance with Section 125.30(a). If there has been no change in the facilities of the establishment as shown on the drawings and specifications required by Section 125.30(c) and the licensee so states in writing to the Department, copies of drawings and specifications shall not be required to accompany the new application for license. When there is a change in the facilities or location of any official establishment or broker, a new application for license shall be submitted by the licensee in accordance with Section 125.30(a) and (c).

- c) In the case of establishments handling meat and meat products, the Department incorporates by reference 9 CFR 304.2(a)(1) and (2) (1990 +984), and in the case of establishments handling poultry and poultry products, the Department incorporates by reference 9 CFR 381.19(a)(2) through (5), (c) and (d) (1990 +984). If the establishment handles both meat and/or poultry or meat and/or poultry products, the establishment shall comply with both of the before-stated provisions. Except that in any case, the Department requests 3 copies of said drawings and specifications to accompany the application for license. The specification requirements are as set forth in Sections 125.170 and 125.180.

- d) The applicant for license to operate an establishment or act as a broker shall submit the following information to the Department on the application form:

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- 1) Name and address and telephone number of the applicant.
- 2) Type of operation(s) the applicant will be performing (i.e., slaughter, processing, custom slaughter, meat broker, poultry broker, or meat and poultry broker).
- 3) The location of the establishment or brokerage business for which the license is requested.
- 4) The name and address of any tenant or subsidiary of the applicant that will be preparing meat and/or poultry or meat and/or poultry products at the establishment (if applicable).
- 5) Name of the establishment (trade name).
- 6) Legal entity of the applicant (e.g., individual, association, corporation) and the legal name of the business.
- 7) State where the corporation or association is incorporated and list of officers (if applicable).
- e) The applicant for license shall certify on the application for license that he/she shall comply with the Act and the rules of this Part. The applicant and any tenant or subsidiary of the applicant shall be responsible for compliance with the Act and rules of this Part.
- f) The slaughter or preparation of meat and/or poultry products at any official establishment shall be performed only by employees of the licensee or by employees of the tenant or subsidiary whose name was submitted to the Department on the license application.
- g) Before issuing a license to operate an establishment an inspection shall be made of the establishment to determine compliance with Sections 125.50, 125.170 and 125.180. All labels shall be approved in accordance with Sections 125.90 and 125.260 before any meat and/or poultry or meat and/or poultry product is transported in commerce. The Director shall issue a license to act as a broker or to operate an establishment if the applicant is not in violation of Section 19 of the Act and the establishment is in compliance with the rules of this Part. If the applicant for license is denied, the procedure as set

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forth in Section 19(F) of the Act shall be followed. The hearing rules are set forth in Section 125.60.

- h) Only one license to operate an official establishment shall be issued by the Department for each facility. The slaughter of meat and/or poultry or the preparation of meat and/or poultry products by any tenant or subsidiary of the licensee who is listed on the application form shall be construed as part of the official establishment for inspection purposes.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.40 Official Number

The Department incorporates by reference 9 CFR 305.1(a) (1990 1984).

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.50 Inspections; Suspension or Revocation of License

- a) An official establishment shall be physically separated (e.g., permanent wall or separate building) from any other operations licensed by the Department (e.g., renderer or blender).

- b) The Department incorporates by reference 9 CFR 305.2(c), 305.3 and 381.26 (1990 1984). The sanitary conditions and adequate facilities referred to in the incorporated language shall mean that the conditions will be deemed sanitary if they are in compliance with Section 125.180 and facilities will be deemed adequate if they are in compliance with Section 125.70.

- c) The Director shall suspend or revoke a license in accordance with the provisions of Section 19(E) of the Act. The Department shall follow the procedure set forth in Section 19(F) of the Act prior to suspending or revoking a license. The hearing rules are as set forth in Section 125.60. The Department will suspend a license until the violation is corrected and brought into compliance with the Act or rules of this Part. The Department will revoke a license for repeated violations of the Act or the rules of this Part. In deciding to revoke a license, the Department shall consider factors

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pertinent to the case, such as the number of violations involved, the number of previous violations of the establishment, the nature of the violation(s) (e.g., public health hazard, bribery, and misuse of official legends or marks) and its severity.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.60 Administrative Hearings; Appeals

- a) All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989 1987, ch. 127, par. 1001 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, contested cases, declaratory rulings and availability of Department files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act, Subpart B of the Department's Administrative Rules, and Section 19(F) of The Meat and Poultry Inspection Act.

- b) Any appeal from a decision of an inspector shall be made either orally or in writing to the regional supervisor. Any appeal from a decision of a regional supervisor shall be made either orally or in writing to the Bureau Chief, Bureau of Meat and Poultry Inspection, Division of Animal Industries, Department of Agriculture, Springfield, Illinois 62794-9281 (217/782-6684). The regional supervisor or the Bureau Chief shall respond to an appeal within 72 hours from the time the appeal is received or the appellant may proceed to the next higher level of appeal. Any appeal from a decision of the Bureau Chief shall be made in writing to the Superintendent, Division of Animal Industries and an administrative hearing shall be held.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.80 Schedule of Operations; Overtime

- a) The Department incorporates by reference 9 CFR 307.4(a), 307.4(d), and 381.37(a) and (d) (1990 1984). References to 9 CFR 307.6(b) and 381.39(b) in the incorporated language shall be interpreted to mean as set forth in this Section.

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- b) The basic workweek and workday shall be those days and hours as on file and approved by the Department of Central Management Services in accordance with the Personnel Code (Ill. Rev. Stat. 1989 1987, ch. 127, par. 63b101 et seq.) and the rules for that Act (80 Ill. Adm. Code 303.300). The work schedule of the official establishment and any requests for changes in the work schedule shall be submitted in writing by the licensee to the regional supervisor. However, minor deviations (one hour or less) from the daily operating schedule shall be approved by the inspector if the request is received on the day before the change is to occur and the change is only for that particular day.

- c) Overtime charges for inspection services rendered shall be as follows:

- 1) For inspection on a Saturday, Sunday or on a workday at times other than the hours as set forth in the approved work schedule, the rate shall be \$15.00 per hour or any fraction of an hour.
- 2) For inspection on holidays, the rate shall be \$10.00 per hour or any fraction of an hour.

- d) The overtime charge shall be for the actual time the inspector is performing the inspection service. Travel expenses and the minimum overtime that will be billed is as follows:

- 1) When an inspector has departed the official establishment after the completion of his/her regular workday and is recalled to perform inspection service, the minimum overtime that will be charged shall be two hours.

- 2) For inspection service rendered on Saturday, Sunday or on a holiday, the minimum overtime that will be charged is two hours.

- 3) When an inspector is required to return to the establishment after the completion of his/her regular work day or on a Saturday, Sunday or holiday, the official establishment will be billed for mileage charged by the inspector in accordance with Travel Regulations (80 Ill. Adm. Code 2800) in addition to the overtime charged.

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(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.90 Official Marks of Inspection, Devices and Certificates

- a) The official inspection legend which indicates the meat, poultry, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, or meat, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and/or poultry product was inspected and passed shall be as prescribed in Section 2.26 of the Act.
- b) The Department incorporates by reference 9 CFR 312.2(b)(2), 312.4, 312.5(a), 312.6, 312.9, 381.98, 381.99, 381.100, 381.101, 381.103, and 381.108, 381.110 through 381.111 (1990 1989), except that the inscription on the mark of inspection shall contain the word "Illinois" rather than "U.S."
- c) The brands shall be in the forms as prescribed in Section 2.26 of the Act.
- d) The Department shall supply all Illinois Retained, Illinois Seizure, and Illinois Rejected paper tags. The Illinois Seizure tag is used in lieu of the federal detained tag.
- e) The seal referred to in 9 CFR 312.5(a) and 381.98 shall be a padlock or metal self-locking tab as shown in the illustration for the federal rules.
- f) The only official brands, symbols, legends and devices shall be those set forth in this Section.
- g) Certificates shall be those set forth in the incorporated federal rules.
- h) Reference to federal forms MP-427, MP-35, and CP-483 shall mean Illinois paper tags as identified in this Section and MP-514-1 shall mean Illinois form IL 406-0372. A seal is used by the Department in lieu of issuing a form the equivalent of federal form MP-408-3.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

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Section 125.100 Records and Reports

- a) The Department incorporates by reference 9 CFR 320.1(b), 320.6(a), 320.7, 381.175(b), 381.180(a) and 381.181 (1990 1984), 49 FR 4715, effective Feb. 8, 1984, 49 FR 22367 effective July 17, 1984, 51 FR 45602, effective June 19, 1987, 53 FR 40378, effective November 14, 1988).
- b) Access to the establishment, its premises, records and inventories shall be provided to the Department in accordance with Section 14 of the Act and Section 125.70.
- c) Each person who is required to be licensed in accordance with Section 3 of the Act shall keep records as stated in the incorporated language of 9 CFR 320.1(b) and 381.175(b), except that for custom slaughtering and custom processing transactions, the recordkeeping requirements shall be those set forth in Section 5(B)(2)(f) of the Act. Records shall be retained for 5 years after December 31 of the year in which the transaction to which the record relates has occurred. If a record must be retained for longer than 5 years because of an on-going investigation or litigation, the Department shall notify the licensee in writing as to which record is to be retained, the reasons for such retention and the retention period. The Department shall consider when determining the retention period the court date, if known, or the time needed to conclude the investigation (e.g., considering the type of disease being investigated, the number of animals involved, and laboratory testing procedures, if applicable).

- d) The licensee of the official establishment shall maintain such records at the establishment. In the case of a broker, the records shall be maintained at the office listed on the application for license.

- e) The Department shall request a licensee to submit an evaluation of the inspection program or of the inspector's performance when the Department is conducting a review of the effectiveness of the Meat and Poultry Inspection program or when a complaint on the inspector's performance has been received.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.110 Exemptions

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- a) Meat and/or poultry and meat and/or poultry products exempted from ante-mortem and post-mortem inspection requirements shall be as set forth in Section 5 of the Act. Transportation of meat and/or poultry and meat and/or poultry products which are exempted from ante-mortem and post-mortem inspection shall be in accordance with Section 5 of the Act (i.e., they cannot be transported in commerce). Labeling requirements on such exempted meat and/or poultry and meat and/or poultry products shall be as stated in Section 5 of the Act.
- b) The Department incorporates by reference 9 CFR 303.2 (1990 52 FR 48084, effective December 18, 1987).

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.120 Disposal of Dead Animals and Poultry

The collection, transportation, and disposal of carcasses or parts of carcasses of animals or poultry that have died other than by slaughter at an official establishment shall be in accordance with the Illinois Dead Animal Disposal Act (Ill. Rev. Stat. 1989 1983, ch. 8, par. 149.1 et seq.) and the rules adopted pursuant thereto (8 Ill. Adm. Code 90), unless such animals or poultry are custom slaughtered and delivered by the owner to an official establishment for custom processing in accordance with Section 5 of the Act.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.130 Reportable Animal and Poultry Diseases

Any animal or poultry suspected of being infected with a reportable disease (see 8 Ill. Adm. Code 85.10) shall be reported by the inspector or veterinarian in accordance with the Illinois Diseased Animals Act (Ill. Rev. Stat. 1989 1983, ch. 8, par. 168 et seq.) and the rules adopted pursuant thereto (8 Ill. Adm. Code 85).

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.140 Detention; Seizure; Condemnation

- a) The Department incorporates by reference 9 CFR 329.1 through 329.5, and 381.210 through 381.214 (1990 1984).

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- b) Reference in the incorporated language to Title I and II of the Act, any other federal law, laws of any territory or the District of Columbia, notification of federal authorities not connected with the program, and Section 404 of the Act are not applicable to the Department in its enforcement of the incorporated language. References to federal forms MP-484, CP-484, CP-479, and MP-479 shall mean Illinois forms MI-17 and MI-18. Illinois Retained or Illinois Seizure tags are used in lieu of federal form MP-483. The Department issues a Notice of Seizure, form MI-39, in lieu of federal form MP-487.

- c) Meat and/or poultry or meat and/or poultry product that is detained shall be released when it is in conformance with the Act and the rules of this Part. The Department shall verbally inform, followed up with written notification, the owner or person in charge of the detained meat and/or poultry or meat and/or poultry product as to what action must be taken to bring the meat and/or poultry or meat and/or poultry product into compliance. Meat and/or poultry or meat and/or poultry products shall be condemned as stated in Section 15 of the Act.

- d) CONDEMNED MEAT OR POULTRY PRODUCTS SHALL BE EFFECTIVELY DESTROYED FOR HUMAN FOOD PURPOSES BY THE OWNER OF THE MEAT OR POULTRY PRODUCT UNDER THE SUPERVISION OF AN INSPECTOR (quoted from Section 15 of the Act) in accordance with the denaturing procedures as set forth in Section 125.290 (specifically the incorporated language in 9 CFR 325.13). If the owner of the meat and/or poultry or meat and/or poultry product refuses to destroy the condemned meat and/or poultry or meat and/or poultry product, the Department shall take judicial action in the circuit court within the jurisdiction where the condemned product was found to confiscate the condemned meat and/or poultry or meat and/or poultry product in order to denature such meat and/or poultry or meat and/or poultry product so it cannot be used for human food purposes.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

SUBPART B: MEAT INSPECTION

Section 125.150 Livestock and Meat Products Entering Official Establishments

- The Department incorporates by reference 9 CFR 302.3 (1990 1984).

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(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.160 Equine and Equine Products

The slaughter, labeling, denaturing, and transportation of equine and equine products shall be in accordance with the Illinois Horse Meat Act (Ill. Rev. Stat. 1989 1983, ch. 56 1/2, par. 240 et seq.) and the rules adopted pursuant thereto (8 Ill. Adm. Code 70).

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.170 Facilities for Inspection

- a) The Department incorporates by reference 9 CFR 307.1, 307.2, 307.3 and 307.7 (1990 1984, 50 FR 19900, effective July 12, 1985; 53 FR 46429, effective December 19, 1988).

- b) The inspector's office shall be approved if it is in compliance with the requirements for an inspector's office as set forth in the "Sanitation Handbook for Meat and Poultry Inspection" and the "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted in Section 125.20 and the provisions of this Section. The office will be considered as being in a convenient location if it is on the premises of the official establishment or located in a building adjacent to the official establishment. Small plants (as identified in 9 CFR 307.1) shall furnish an inspector's office either at the establishment or in a building adjacent to the official establishment.

- c) Facilities and equipment shall be provided by the official establishment as necessary to meet the operational needs (e.g., slaughtering facilities, processing facilities) of the establishment and the Department shall construe such facilities and equipment as being adequate, suitable or sufficient if the operational needs of the establishment can be met and inspection and sanitary conditions maintained in accordance with the rules of this Part.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.180 Sanitation

- a) The Department incorporates by reference 9 CFR 308.1

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through 308.5(a), 308.5(g) and 308.6 through 308.16 (1990 1984) 51 FR 45602, effective June 19, 1987, 53 FR 46429, effective December 19, 1988).

- b) The Department shall approve construction of an establishment or the remodeling of an establishment if such establishment or the remodeling is in accordance with "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted by the Department in Section 125.20.
- c) The Department will permit for use in any official establishment equipment or utensils that are on the "List of Accepted Meat and Poultry Equipment" as adopted in Section 125.20.
- d) The Department shall approve the reuse of water for the specific purposes mentioned in the incorporated language of 9 CFR 308.3(d)(2) or for use as nonpotable water (see 9 CFR 308.3(d)(1)). An analysis of the water potability at an official establishment shall be furnished to the inspector annually by the licensee if the water supply comes from a municipal water source or semi-annually if the water supply comes from a well or cistern. Additional water potability reports shall be required to be furnished whenever the inspector has reason to believe the water is not potable (e.g., water main break or results from laboratory tests indicate that water could be the cause of the product being adulterated).

- e) Any of the control procedures for excluding flies or vermin as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 shall be approved for use in an official establishment.

- f) When determining if sanitation requirements are being or can be met, the Department shall consider the facilities, equipment and the operations of the establishment as being sanitary if they are in compliance with the "Sanitation Handbook for Meat and Poultry Inspection" and the operating procedures and sanitation requirements in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 and the provisions of this Section.

- g) Pest control substances (e.g., insecticides or rodenticides) and disinfectants used in an official establishment shall be those products on the "List of

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Proprietary Substances and Nonfood Compounds" as adopted in Section 125.20.

- h) Slack barrels and other containers used in the shipping of meat products shall be lined with plastic or a paper of such quality that it will not readily tear when moisten from contact with the meat or meat product.
- i) Barrels, boxes and other containers used for shipping meat products shall be considered as unfit for use if they are torn, broken, have lost their original shape or are wet.
- j) Equipment, utensils, rooms or compartments which were found in violation of the sanitation requirements of this Section shall be considered as "made acceptable" when they are in compliance with the rules of this Part.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.190 Ante-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 309.1 through 309.4(a), 309.5 through 309.11, and 309.13 through 309.18 (1990 1984) 49 FR 23605, effective June 4, 1984, 49 FR 27732, effective July 6, 1984, 50 FR 32162, effective September 9, 1985, 50 FR 53127, effective January 29, 1986, 52 FR 2101, effective January 20, 1987, 53 FR 40378, effective November 14, 1988; 55 FR 7472, effective May 31, 1990).

- b) In cases of emergency slaughter (see 9 CFR 311.27) and where the inspector cannot be contacted or is unable to return to the establishment, the owner of the animal shall obtain the services of a licensed veterinarian who shall perform an ante-mortem examination on the animal. If upon examination the animal shows no symptoms of disease or abnormal conditions that would prohibit its intended use as human food in accordance with the provisions of this Section, the veterinarian shall prepare a written statement to the effect that the animal is in compliance with ante-mortem requirements of this Section and can be slaughtered at the official establishment. The veterinarian's statement shall be kept on file by the official establishment in accordance with Section 125.100. The costs of the veterinary services shall be borne by the owner of the animal.

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c) The Department shall approve treatment programs for diseased animals providing the licensee provides the necessary holding pens where such animals can be kept apart from the other livestock awaiting slaughter and the owner of the animal(s) agrees to the treatment and assumes the cost of such treatment. Following treatment, the animal shall be released from slaughter at the request of the owner or of the official establishment and permitted to be transported from the establishment provided the animal was not infected with a reportable disease (see Section 125.130).

d) An animal found in a comatose or semicomatose condition shall be set apart from the other livestock and held for further observation at the request of the owner or the official establishment.

e) "Other responsible official supervision" shall mean under the supervision of a licensed veterinarian or a program employee of the U.S. Department of Agriculture.

f) At the option of the owner of the animal, any animal identified as a suspect may be reinspected by a veterinarian as set forth in Section 9 of the Act or the animal shall be slaughtered and identified in accordance with the provisions of this Section.

g) An animal will be withheld from slaughter to permit biological residues to be reduced in accordance with 9 CFR 309.16 when the owner informs the inspector that the animal was taking chemicals or biologics or there is evidence to suggest that the animal was taking chemicals or biologics (e.g., injection marks, chemical odor). The time period for holding such animal shall depend on the withdrawal period of the chemical or biologic that was administered the animal. The inspector shall permit the slaughter of such animal (see 9 CFR 309.16a) when requested by the official establishment or by the owner of the animal.

h) The inspector shall approve the use by any establishment of any skin tattoo that contains a number identifying the animal or lot. The identifying number for the skin tattoo shall be assigned by the inspector.

i) Reference to federal form MP-402-2 shall mean Illinois form V-2. References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with

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Section 125.230.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.200 Post-Mortem Inspection

a) The Department incorporates by reference 9 CFR 310(a) and 310.2 through 310.21, and 310.23 (1990 1984, 49 FR 23606, effective June 4, 1984; 50 FR 32162, effective September 9, 1985; 52 FR 2101, effective January 20, 1987; 53 FR 40378, effective November 14, 1988; 53 FR 45888, effective December 15, 1988; 54 FR 36755, effective October 5, 1989; 55 FR 7472, effective May 31, 1990; 55 FR 29564, effective August 20, 1990), except that the preparation of meat and meat products for nonhuman food purposes (e.g., dog food) is not permitted at an official establishment. The preparation of nonhuman food products must be done in establishments licensed under the Illinois Dead Animal Disposal Act.

b) The unusual circumstance and acceptable arrangements referred to in 9 CFR 310(a) shall mean in the case of emergency slaughter and in accordance with the procedure outlined in Section 125.190.

c) In the case of emergency slaughter and where a veterinarian was obtained by the owner to perform ante-mortem inspection (see Section 125.190), the veterinarian may perform post-mortem inspection of the animal. The carcass and all parts, including viscera, shall be identified as set forth in 9 CFR 310.2 and held for the inspector. If the veterinarian performs the post-mortem inspection at the request of the owner, then the cost of such service shall be borne by the owner of the animal.

d) Disinfectants that can be used in an official establishment shall be those set forth in Section 125.180.

e) With regard to the incorporated language in 9 CFR 310.2(b)(4), alternate methods proposed by the operator of an official establishment for handling devices shall be approved if such method will accomplish the specific provisions as stated in that paragraph.

f) Retained carcasses may be washed or trimmed provided such washing or trimming does not affect the disposition of the

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carcasses by removing conditions or lesions which caused the carcasses to be identified as retained.

- g) Temporary identification of retained carcasses by an official establishment shall be permitted; however, Illinois Retained tags shall be used to identify the carcasses along with any temporary identification that is used.
- h) References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- i) Facilities for handling and inspecting cow udders shall be as set forth in "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted in Section 125.20.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts

- a) The Department incorporates by reference 9 CFR 311. (1990 1984).

b) For the purpose of administering the incorporated language, the laboratories referred to shall mean any approved laboratory as defined in 8 Ill. Adm. Code 20.1. "Properly prepared and packaged" shall mean that the specimen shall be wrapped so as to prevent adulteration of the specimen and any leakage from the package.

- c) An approved freezing facility is an establishment licensed under the Illinois Refrigerated Warehouses Act (Ill. Rev. Stat. 1989 1983, ch. 56 1/2, par. 79.1 et seq.).

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.220 Humane Slaughter of Animals

Animals shall be slaughtered in accordance with "AN ACT to define and require the use of humane methods in the handling, preparation for slaughter, and slaughter of livestock for meat or meat products to be offered for sale" (Ill. Rev. Stat. 1989 1983, ch. 8, par. 229.51 et seq.) and the rules adopted pursuant thereto (8 Ill. Adm. Code 50).

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(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment

- a) Condemned and inedible products shall be disposed of by persons licensed in accordance with the Illinois Dead Animal Disposal Act (see Section 125.120). If the official establishment has no facilities for tanking the condemned carcasses or meat products or if the inspector cannot leave the slaughter area, the condemned meat or meat products shall be denatured as set forth in 9 CFR 314.3 (1990 1984) before they leave the official establishment.

- b) The Department incorporates by reference 9 CFR 314.2, 314.7, and 314.9 through 314.11 (1990 1984).

- c) The Department does not permit animals that have died other than by slaughter in accordance with the custom slaughter exemption in Section 5 of the Act to be brought on the premises of the official establishment, except for animals which have died en route. Animals that have died en route to the official establishment shall be disposed of by licensed renderers (see Section 125.120).

- d) Pipes and chutes shall be installed in accordance with the provisions of Section 125.180.

- e) Proprietary material shall be as set forth in the "List of Proprietary Substances and Nonfood Compounds" as adopted in Section 125.20.

- f) "Denaturing of carcasses to the extent necessary to preclude its use for food purposes" shall mean that one of the denaturing methods in 9 CFR 325.13 as adopted in Section 125.290 must be used.

- g) Carcasses or parts of carcasses condemned on account of anthrax shall be disposed of in accordance with the provisions of Section 125.120.

- h) Specimens of condemned or other inedible products shall be released if compliance with the specific provisions of 9 CFR 314.9 is met. An example of an objectionable condition would be in the case of a sanitary problem.

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- i) The movement of livers and condemned products from an official establishment will be permitted in accordance with the provisions of Section 125.120.

- j) Reference to federal form MP-403-10 shall mean Illinois form MI-10. References in the incorporated language to other sections within 9 CFR 314 that have not been adopted shall be interpreted to mean in accordance with the provisions of this Section. References to 9 CFR 325 shall be interpreted to mean in accordance with Section 125.290.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking

- a) The Department incorporates by reference 9 CFR 315 (1990 1984).
- b) References to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- c) When the product in the tank that has been passed for cooking does not consist of a carcass or whole primal part, the tank shall be sealed by the inspector.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.250 Marking Products and Their Containers

- a) The Department incorporates by reference 9 CFR 316.1 through 316.5(d), 316.5(f) through 316.11, 316.13(a), 316.13(b), 316.13(d) through 316.13(h) and 316.14 through 316.15 (1990 1984) 53 FR 28632, effective August 29, 1988).

- b) Branding ink need not be submitted to the Department and it will be approved for use by the inspector in accordance with Section 2.11(B)(4) of the Act and the other provisions of the incorporated federal Section (9 CFR 316.5). Branding ink shall be purple.

- c) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided it is in compliance with Section 125.90.

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- d) Additional official marks of inspection may be applied to meat and/or meat products at the option of the official establishment.
- e) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90 and reference to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.

- f) "Customarily sold at retail intact" shall mean that the meat product in the casing is sold at a retail store and customarily is not cut up into smaller packages.

- g) Products as identified in the incorporated language of 9 CFR 316.10 shall comply with Section 125.290 (specifically the incorporated language in 9 CFR 325.5) when being transferred between official establishments. No special form for this transfer is issued by the Department as in the case of federal inspection (federal form MP-408-1).

- h) Only those methods specifically included in 9 CFR 316.10(c) shall be approved for applying the list of ingredients.

- i) "Legibly and conspicuously marked" shall mean in compliance with the provisions of Section 125.260 (specifically the incorporated language of 9 CFR 317.2(j)(6) through (9)).

- j) Carcasses and meat products prepared on a custom basis shall be labeled in accordance with Section 5(B)(4)(d) of the Act.

- k) Food additives and color additives shall be approved for use if the product is not adulterated in accordance with Section 2.11(B)(3) and (4) of the Act. When a specific antioxidant appears on the label, it shall be identified as set forth in Section 125.260 (specifically the incorporated language of 9 CFR 317.2(j)(10)).

- l) Stencils, box dies, labels and brands shall be approved in accordance with the provisions of Section 125.260.

- m) References to paragraphs 302(c)(2) of the Act and 23(b) of the Act shall be interpreted to mean those exemptions as set forth in Section 125.110. References in the incorporated language to 9 CFR 350 are not applicable to the Department in its enforcement of the rules of this

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Part.

(Source: Amended at 15 Ill. Reg. 8801 _____, effective June 7, 1991.)

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.20(d) (1990 1984, 49 FR 4715, effective Feb-8-1984, 49 FR 18998, effective June 3, 1984, 49 FR 23357, effective July 17, 1984, 50 FR 19903, effective July 12, 1985, 50 FR 21420, effective June 24, 1985, 51 FR 294567, effective September 17, 1986, 51 FR 30052, effective September 22, 1986, 53 FR 7493, effective April 8, 1988, 53 FR 28634, effective August 29, 1988, 53 FR 49848, effective January 11, 1989, 55 FR 7289, effective August 28, 1990, 55 FR 34678, effective September 24, 1990, 55 FR 49826 and 50081, effective May 29, 1991, 56 FR 1359, effective September 3, 1991, 56 FR 22638, effective January 2, 1992).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev. Stat. 1989 1983, ch. 147, par. 101 et seq.) and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- f) The Department does not approve terms for generic labeling

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and considers the approval of terms as generic to be the responsibility of the federal government.

- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
- i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become multilayered or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.
(Source: Amended at 15 Ill. Reg. 8801 _____, effective June 7, 1991.)

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.300 through 318.311 (1990 1984, 49 FR 23606, effective June 4, 1984, 49 FR 19623, effective June

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8, 1984, 49 FR 18999, effective July 3, 1984, 49 FR 32055, effective Aug. 10, 1984, 49 FR 33434, effective Aug. 23, 1984, 49 FR 14877, effective April 15, 1985, 49 FR 46530, effective January 28, 1985, 50 FR 6, effective January 27, 1985, 50 FR 3739, effective February 27, 1985, 50 FR 52267, effective August 6, 1985, 50 FR 19903, effective July 12, 1985, 50 FR 19905, effective July 12, 1985, 50 FR 27573, effective July 5, 1985, 50 FR 32162, effective September 9, 1985, 50 FR 48075, November 21, 1985, 50 FR 50282, effective February 10, 1986, 51 FR 1769, effective January 15, 1986, 51 FR 21731, effective July 16, 1986, 51 FR 29456, effective September 17, 1986, 51 FR 30052, effective September 22, 1986, 51 FR 32301, effective October 14, 1986, 51 FR 35630, effective November 6, 1986, 51 FR 37902, effective November 26, 1986, 51 FR 45602, effective June 19, 1987, except for Section 318.305(h)(2) which is effective December 21, 1987, and Section 318.310 which is effective December 19, 1988, 52 FR 12517, April 17, 1987, 52 FR 17283, effective June 8, 1987, 52 FR 19302, effective June 23, 1987, 52 FR 30136, effective September 14, 1987, 52 FR 43316, effective November 12, 1987, 53 FR 7493, effective April 8, 1988, 53 FR 49844, December 12, 1988, 53 FR 49848, effective January 11, 1989, 54 FR 43041, effective January 18, 1990, 55 FR 7294, effective August 28, 1990, 55 FR 34678, effective September 24, 1990, as amended by 55 FR 49991, December 4, 1990).

- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(6) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be

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- removed immediately from such establishment by the operator of the establishment.
- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.
- d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.
- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(1) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.
- i) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this Part. References to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with The Meat and Poultry Inspection Act and the rules of this Part.
- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.

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- k) Disinfectants shall be those as set forth in Section 125.180.
- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.280 Meat Definitions and Standards of Identity or Composition

The Department incorporates by reference 9 CFR 319 (1990 1984, 49 FR 14879 and 14880, effective April 15, 1985, 49 FR 46530, effective January 28, 1985, 50 FR 3738, effective February 27, 1985, 50 FR 9788, effective April 15, 1985, 51 FR 32057, effective October 9, 1986, 53 FR 5150, effective March 23, 1988, 53 FR 8425, effective April 14, 1988, 54 FR 40631, effective October 3, 1989 and adopted by the Department on October 11, 1989; 55 FR 34678, effective September 24, 1990). Methods for the destruction of live trichinae in pork shall be as set forth in Section 125.270 (specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.290 Transportation

- a) The Department incorporates by reference 9 CFR 325.1(a) through 325.1(b)(1), 325.1(c) through 325.2, 325.5 through 325.8(b), 325.10, 325.13, 325.14 through 325.19 (1990

1984).

- b) Transportation of products which have become adulterated or misbranded from an official establishment shall be in sealed containers or sealed trucks.
- c) Proprietary substances shall be those as stated in the "List of Proprietary and Nonfood Compounds" as adopted by the Department in Section 125.20.
- d) Specimens of product for laboratory examination, research or for other nonhuman food purposes (e.g., educational training) shall be in compliance with Section 125.230.
- e) References in the incorporated language to 9 CFR 312, 320 and 314 shall be interpreted to mean in accordance with Sections 125.90, 125.100 and 125.230 respectively.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.300 Special Services Relating to Meat and Other Products

- a) The Department incorporates by reference 9 CFR 350.1 through 350.3(a), 350.3(c), 350.5 through 350.7(a) and 350.7(d) (1990 1989).
- b) The charges for special services shall be paid by check, draft or money order payable to the Illinois Department of Agriculture upon furnishing to the person who requested the service a statement as to the amount due. The fee for rendering these services shall be at the rate of \$15 per hour, except for services rendered on a holiday which shall be \$30. The person who requested the special service shall also be billed for travel expenses incurred by the inspector in accordance with Travel Regulations (80 Ill. Adm. Code 2800).

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.305 Exotic Animal Inspection

- a) With regard to the inspection and processing of exotic animals, the Department incorporates by reference 9 CFR 352.1, 352.3, 352.11, 352.12, 352.13, 352.14, 352.15, 352.16, and 352.17 (1990 1989).

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- b) The Department incorporates by reference 9 CFR 352.7 (1990 1989), except that the description of the official inspection legend and brand shall be as described in Section 125.90.
- c) References in the incorporated language to 9 CFR 304, 317, 309, 310, 311, 314, 318, 320, and 325 shall be interpreted as references to the provisions in Sections 125.30, 125.250, 125.190, 125.200, 125.210, 125.230, 125.270, 125.100 and 125.290 respectively.
- d) References in the incorporated language to 9 CFR 313 shall be interpreted as references to Section 125.220.
- (Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

SUBPART C: POULTRY INSPECTION

Section 125.310 Application of Inspection

The Department incorporates by reference 9 CFR 381.3(c) through (e) and 381.7 (1990 1984, 52 FR 48084, effective December 18, 1987), unless such products are exempted from inspection in accordance with Section 5 of the Act. All rabbits that are eviscerated in an official establishment shall be inspected for condition and wholesomeness and no dressed rabbits or uninspected products of rabbits shall be brought into an official establishment, unless they are exempt from inspection in accordance with Section 5 of the Act.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.320 Facilities for Inspection

- a) The Department incorporates by reference 9 CFR 381.36 (1990 1984, 50 FR 37508, effective October 16, 1985, 52 FR 39207, effective December 21, 1987).
- b) The inspector's office shall be approved if it is in compliance with the requirements for an inspector's office as set forth in the "Sanitation Handbook for Meat and Poultry Inspection" as adopted in Section 125.20 and the provisions of this Section. The office will be considered as being in a convenient location if it is on the premises of the official establishment or located in a building adjacent to the official establishment. Small plants (as

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identified in 9 CFR 381.36) which do slaughtering shall furnish an inspector's office either at the establishment or in a building adjacent to the official establishment.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.330 Sanitation

- a) The Department incorporates by reference 9 CFR 381.45 through 381.53(a)(1), 381.53(c) through 381.59, and 381.61 (1990 1984, 51 FR 45682, effective June 19, 1987).
- b) The Department shall approve the construction of an establishment or the remodeling of an establishment if such establishment or the remodeling is in compliance with "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted by the Department in Section 125.20 and the provisions of this Section.
- c) The Department will permit for use in any official establishment equipment or utensils that are on the "List of Accepted Meat and Poultry Equipment" as adopted by the Department in Section 125.20.
- d) When determining if sanitation requirements are being or can be met, the Department shall consider the facilities, equipment and the operations of the establishment as being sanitary if they are in compliance with the "Sanitation Handbook For Meat and Poultry Inspection" and the sanitation requirements and operating procedures as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 and the provisions of this Section.
- e) An analysis of the water potability at an official establishment shall be furnished to the inspector annually by the licensee if the water supply comes from a municipal water source or semi-annually if the water supply comes from a well or cistern. Additional water potability reports shall be required to be furnished whenever the inspector has reason to believe the water is not potable (e.g., water main break or results from laboratory tests indicate that water could be the cause of the product being adulterated).
- f) The Department does not have any approved methods for reclaiming wax and will accept any method which does not

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cause adulteration of the poultry or poultry products.

- g) Any receptacle used for holding condemned carcasses shall be equipped for locking and sealing.
- h) It is the Department's policy that equipment and utensils used in an official establishment shall not be used outside the official establishment.
- i) Any of the control procedures for excluding flies or vermin as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20 shall be approved for use in an official establishment.
- j) Germicides, insecticides, rodenticides, detergents, wetting agents and other compounds which are used in an official establishment shall be approved for use if they are on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20. The manner in which such compounds are used shall be in accordance with the manufacturer's label.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.340 Operating Procedures

- a) The Department incorporates by reference 9 CFR 381.65 through 381.66 (1990 1984, 49 FR 3643, effective Feb. 29, 1984, 49 FR 9411, effective April 12, 1984).
- b) The bar-cut method of evisceration shall not be used.
- c) Cut-up poultry may be processed from unchilled eviscerated poultry only in air conditioned rooms (50 degrees F. or less).
- d) The meltage of ice in the chilling system shall be counted toward the minimum fresh water intake requirements provided an accurate measurement of the amount of melted ice can be obtained.
- e) Reference to the Poultry Inspector's Handbook shall mean the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- f) The Department shall approve the shipment of poultry in operational type containers, such as chill tanks or lugs,

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from one official establishment to another official establishment for further processing provided the means of conveyance is sealed and the poultry can reach its destination in accordance with the general chilling requirements as stated in this Section (see 9 CFR 381.66(b)).

- g) Ready-to-cook poultry shall be permitted to be moved from an official establishment prior to freezing in accordance with the specific requirements as stated in 9 CFR 381.66(f)(3).
- h) Compounds used in immersion or spray freezing procedures shall be those that are listed in the "List of Proprietary Substances or Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.350 Ante-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 381: Subpart J (1990 1984).
- b) Procedures for ante-mortem and post-mortem inspections and any correlation between the two inspections shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- c) Incineration of poultry suspected of having been treated with or exposed to any substance which imported a biological residue shall be in accordance with Section 125.370. The Department shall permit the slaughter of such poultry for the purpose of collecting tissues for analysis of the residue upon the request of the owner of the poultry or at the request of the official establishment.
- d) The Director shall approve the slaughter of poultry which was used in research in accordance with the specific provisions as stated in 9 CFR 381.75, except for rabbits as stated in Section 125.360.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.360 Post-Mortem Inspection; Disposition of Carcasses

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and Parts

- a) The Department incorporates by reference 9 CFR 381: Subpart K (1990 1994, 50 FR 37508, effective October 16, 1985, 50 FR 38097 (1985), 51 FR 3569, effective January 29, 1986, 53 FR 46955, effective December 21, 1988).
- b) Carcasses of rabbits affected with or showing lesions of any of the following named diseases or conditions shall be condemned: Tularemia, anthrax, hemorrhagic septicemia, pyemia, septicemia, leukemia, acute enteritis, peritonitis, sarcomatosis, metritis, necrobacillosis (Smorl's Disease), tuberculous, emaciation, streptobacillary pseudotuberculosis, and advanced stages of snuffles. Rabbits from pathological laboratories shall be condemned.
- c) Carcasses of rabbits showing any disease, such as generalized melanosis and pseudoleukemia which systemically affect the rabbit, shall be condemned.
- d) Any organ or part of a rabbit carcass which is badly bruised or which is affected by an abscess or a suppurating sore, shall be condemned. Parts or carcasses of rabbits which are contaminated by pus shall be condemned.
- e) Carcasses of rabbits contaminated by volatile oils, paints, poisons, gases or other substances which affect the wholesomeness of the carcass shall be condemned.
- f) All carcasses of rabbits so infected that consumption of the meat or meat food products thereof may give rise to meat poisoning shall be condemned. This includes all carcasses showing signs of any of the following diseases: Acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges, septicemia or pyemia (whether traumatic, or without evident cause), gangrenous or severe hemorrhagic enteritis or gastritis, polyarthritis and acute nephritis. Immediately after the slaughter of any rabbit so infected, the infected premises and implements used shall be sanitized. The part or parts of any carcass coming into contact with the carcass or any part of the carcass of any rabbit listed in this paragraph other than those affected with acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges, shall be condemned.

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- g) Carcasses of rabbits showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which, as a result of a pathological condition show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication shall be condemned.
- h) Carcasses of rabbits affected with mange or scab in advanced stages or showing emaciation or extension of the inflammation to the flesh shall be condemned. When the diseased condition is localized, the carcass shall be passed for food purposes after removal and condemnation of the affected parts.
- i) In the disposal of carcasses and parts of carcasses of rabbits showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the non-affected portion of the carcass, or part of the carcass, shall be certified for food purposes after the removal and condemnation of the affected portions. Where a part of a carcass shows numerous lesions caused by parasites, or the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. Where parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be certified as capable for use as human food and the entire carcass shall be condemned. Carcasses of rabbits infested with a hydatid cyst or cysts (Echinococcus grandulosus), transmissible to dogs and from dogs to man, shall in all cases be condemned regardless of the degree of infestation.
- j) Carcasses of rabbits showing such degree of emaciation or anemic condition as would render the meat unwholesome, and carcasses which show a slimy degeneration of the fat or a serious infiltration of the muscles shall be condemned.
- k) Carcasses of poultry, the viscera and any part removed from the carcass shall be kept together and identified by a lot number until the inspector performs a post-mortem

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inspection.

- 1) The Department's hearing rules are set forth in Section 125.60.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments

Condemned and inedible poultry and/or poultry products shall be disposed of by persons licensed in accordance with the Illinois Dead Animal Disposal Act (see Section 125.120). If the official establishment has no facilities for tanking the condemned carcasses or poultry products or if the inspector cannot leave the slaughter area, the condemned poultry or poultry products shall be denatured as set forth in 9 CFR 381.95(c) (1990 1984).

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, and 381.129 through 381.132(b)(1), 381.133 through 381.144(d) (1990 1984; 49 FR 4715, effective Feb. 8, 1984; 49 FR 18999, effective July 3, 1984; 49 FR 22367, effective July 17, 1984; 50 FR 21420, effective June 24, 1985; 53 FR 28634, effective August 29, 1988; 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992).

- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.

- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.

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- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.

- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).

- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.

- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.

- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material

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which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

- a) The Department incorporates by reference 9 CFR 381.145(b) through 381.148, 381.150 through 381.151, 381.300 through 381.311 (1990 1984), 49 FR 19623, effective June 8, 1984, 49 FR 19000, effective July 3, 1984, 49 FR 32055,

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effective Aug. 10, 1984, 50 FR 6, effective January 27 1987, 50 FR 50282, effective February 10, 1986, 51 FR 32301, effective October 14, 1986, 51 FR 45602, effective June 19, 1987, except for Section 381.305(h)(3) which is effective December 21, 1987 and Section 381.310 which is effective December 19, 1988, 53 FR 7493, effective April 8, 1988, 55 FR 5976, effective March 23, 1990, 55 FR 23070, effective July 6, 1990).

- b) No poultry or poultry product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110.

- c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.

- d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

- e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.

- f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

- g) The Department does not approve new substances to be used on poultry or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate

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the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

- h) Ready-to-heat-and-eat poultry or stuffed ready-to-roast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).
- i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be approved if such method is in compliance with the sanitation requirements (see Section 125.330).
- j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.
- l) Disinfectants which may be used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.400 Definitions and Standards of Identity or Composition

- a) The Department incorporates by reference 9 CFR 381: Subpart P (1990 1984; 55 FR 34678, effective September 24, 1990).
- b) Cooling of poultry shall be in accordance with the provisions set forth in Section 125.330.
- c) Definitions and standards of identity or composition for poultry products shall be as set forth in this Section and in Section 13(d) of the Act.

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(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

Section 125.410 Transportation; Sale of Poultry or Poultry Products

- a) The Department incorporates by reference 9 CFR 381.189 through 381.193 (1990 1984).
- b) Transportation of dead, dying, disabled or diseased poultry and parts of carcasses or poultry that has died otherwise than by slaughter at an official establishment, unless exempt from inspection and transportation requirements as set forth in Section 125.110, shall be in accordance with Section 125.120.
- c) The manner for handling heads and feet of poultry shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- d) References in the incorporated language to USDA and PPIA shall mean the Illinois Department of Agriculture and The Meat and Poultry Inspection Act respectively. References to "penalties in Section 11 of the Act" shall mean as set forth in Section 19 of The Meat and Poultry Inspection Act.

(Source: Amended at 15 Ill. Reg. 8801, effective June 7, 1991)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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NOTICE OF ADOPTED AMENDMENT

NOTICE OF ADOPTED AMENDMENT

1) The Heading of the Part: Personal Use of State Telephones

16) Information and questions regarding this adopted amendment shall be directed to:

2) Code Citation: 44 Ill. Adm. Code 5030

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

3) Section Number: 5030.130
Adopted Action: Amendment

4) Statutory Authority: Implementing Sections 67.18 and 67.22 and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 63b13.18, 63b13.22 and 16).

The full text of the Adopted Amendment begins on the next page.

5) Effective Date of Amendment: June 7, 1991

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this Amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 7, 1991

9) Notice of Proposal Published in Illinois Register:

February 1, 1991, 15 Ill. Reg. 1203

10) Has JCAR issued a Statement of Objections to this Amendment? No.

11) Differences between proposal and final version:

Section 5030.130(c)(5). Language was added after the first sentence which states the employer may request written confirmation from the employee that a call qualifies under this subsection and also that if disciplinary action is taken based on alleged violations of the telephone usage policy, employees may grieve such action pursuant to 80 Ill. Adm. Code 303, Subpart A or the appropriate collective bargaining agreement.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this Amendment replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendment:

The Travel Regulation Council rules authorize reimbursement for telephone calls of three minutes or less from non-State telephones to announce safe arrival, delays or changes in plans. The Department amended this section so that the policy for State telephones is consistent with the Travel Regulation Council rules (See 80 Ill. Adm. Code 3000.600(a)(5)).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND

PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5030

PERSONAL USE OF STATE TELEPHONES

| | |
|---------------------|--------------------------------|
| Section 5030.100 | Authority |
| 5030.110 | Provision of Telephone Service |
| 5030.120 | Applicability |
| 5030.130 | Telephone Usage Policy |
| 5030.140 | Discipline |

AUTHORITY: Implementing Sections 67.18 and 67.22 and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 63b13.18, 63b13.22 and 16).

SOURCE: Adopted at 7 Ill. Reg. 9203, effective August 1, 1983; codified at 8 Ill. Reg. 7219; amended at 8 Ill. Reg. 17261, effective October 1, 1984; emergency amendment at 14 Ill. Reg. 11351, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 19149, effective November 27, 1990; amended at 15 Ill. Reg. 8843, effective June 7, 1991.

Section 5030.130 Telephone Usage Policy

- a) The intent of this policy is to permit State employees to make reasonable, as defined in subsections (h) and (c), use of State telephone systems and, at the same time, to guard against telephone abuse.
- b) The use of State telephone services is limited to official business. Official business calls include emergency calls and calls that are in the best interest of the State. A call shall be considered as authorized in the best interest of the State if it meets the following criteria:
 - 1) It does not adversely affect the performance of official duties by the employee or the employee's organization,
 - 2) It is of reasonable duration and frequency, in accordance with subsection (c), and
 - 3) It could not have reasonably, in accordance with subsection (c), been made during non-work hours.
- c) Examples of circumstances that fall under the above guidelines include, but are not limited to, the following:

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- 1) An employee is required to work overtime without advance notice and calls within the local commuting area (the area from which the employee regularly commutes) to advise his or her family of the change in schedule or to make alternate transportation or child- or elder- care arrangements.
- 2) An employee makes a brief call to locations within the local commuting area to speak to spouse, minor children, elderly parent (or those responsible for them, e.g., school or day care center, nursing home, etc.).
- 3) The employee makes brief calls within the local commuting area that can be reached only during working hours, such as a local government agency or a physician.
- 4) An employee makes brief calls to locations within the local commuting area to arrange for emergency repairs to his or her residence or automobile.
- 5) While on official business, the employee makes a call of three minutes or less to announce safe arrival, delay or a change in plans. The employer may request written confirmation from the employee that a call qualifies under this subsection. If disciplinary action is taken based on alleged violations of the telephone usage policy, employees may grieve such action pursuant to 80 Ill. Adm. Code 303, Subpart A or the appropriate collective bargaining agreement.

AGENCY NOTE: Brief shall mean the time it takes to accomplish the purpose of the call.

- d) A personal call made during working hours that falls under the guidelines in Sections 5030.130(b)(1), (2) and (3), but is not representative of the examples given in Sections 5030.130(c)(1), (2), (3) and (4), is permitted if:
 - 1) It is charged to the employee's home phone number or other non-government number,
 - 2) It is made to an "800" toll-free number,
 - 3) It is charged to the called party if a non-state number, or
 - 4) It is charged to a personal credit card.
- e) For any use of State telephones beyond the parameters of this policy, employees shall be charged actual Department of Central Management Services billed charges plus \$1.00 per minute for long distance calls and \$.50 per minute for local calls. These rates are intended to

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cover the cost of the calls and the administrative costs associated with processing payment.

- f) The employee shall reimburse the State for toll and other charges by personal check payable to the General Revenue Fund or other appropriate fund as designated by the agency employing the individual. If not paid within 30 days of billing, collection action will be instituted through appropriate legal means.

(Source: Amended at 15 Ill. Reg. 8843, effective June 7, 1991)

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- 1) The Heading of the Part: Illinois Promotion Act Programs

- 2) Code Citation: 14 Ill. Adm. Code 510

- 3) Section Numbers: Adopted Action:
510.10 Amendment
510.20 Amendment
510.40 Amendment
510.50 Amendment
510.60 Amendment
510.70 Amendment
510.80 Amendment
510.85 New Section

- 4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act (Ill. Rev. Stat. 1989, ch. 127, pars. 200-21 et seq.).

- 5) Effective Date of Amendments: June 10, 1991

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Do these amendments contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: June 7, 1991.

- 9) Notice of Proposal Published in Illinois Register: January 25, 1991 - 15 Ill. Reg. 677.

- 10) Has JCAR issued a Statement of Objections to these amendments? No.

- 11) Differences between proposal and final version:

In the table of contents added "510.85 Administrative Requirements".

The table of contents and source note have been revised to include changes made as a result of adopting another amendment to this Part (15 Ill. Reg. 2673, effective February 1, 1991). Also, the underlining in the statutory language note was deleted since the note was added through that rulemaking.

Section 510.20

Revised the definition of "Application" by deleting ", attached to which shall be included:" and adding the following in its place:

". The dated application shall include the following information:

Name of applicant organization.

Name, title, address, and telephone number of authorized

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official.

County and legislative district where attraction/event will take place.

Federal Employment Identification Number (F.E.I.N.) or social security number of authorized official.

Project title.

Anticipated initiation and completion date (project may not be initiated prior to approval by the Bureau of Tourism to remain eligible for matching grant funding).

Estimated total cost of project (based on bids and itemized budget).

Percentage and amount of tourism matching grant request.

A description of the project (A detailed description of the work to be performed and the need for the project. Information should include a description of the event, attraction or area being promoted, and quantity of project (e.g. number of brochures to be printed)).

A description of how and where printed material will be distributed or the geographic location of the audience for projects containing advertising (e.g. radio, television, newspaper).

A description of the economic impact expected as a result of this project and how the program will aid in the promotion of tourism in Illinois.

A description of anticipated project results and a description of the evaluation methods to be used in determining the results. Emphasis should be placed on quantifiable measures as the applicant may be asked to verify results.

A list of the source(s) and amount of funding for the applicant's project.

An itemized budget for each cost which identifies the vendor and provides a brief description of the services being provided."

In the definition of "Application", the language starting with "samples of the proposed Project..." has become part of a new definition. Before the language just cited, "Application Documentation" includes: " has been inserted. Also the language "a current copy of the

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applicant organization's State of Illinois Not-For-Profit Certificate of Good Standing." has been moved to the end of this new definition from the definition of "Local Promotion Group". As a result of this change, in the new definition, "and" after "132.10-1);" had to be deleted and the period after "33E-3)" replaced with "; and". The remaining language in the definition of "Local Promotion Group" has been capitalized to designate statutory language and the following statutory cite added before the period: "(Section 3(b) of the Act)".

In the new definition "Application Documentation", added "and identification of the low bid listed on the itemized budget" after "\$500".

The definition of "Promotional Activities" has been renamed "Eligible Promotional Projects" and revised to read as follows:

"Eligible Promotional Projects": include but are not limited to:

Brochures/Posters - Brochures/posters must be devoted to the promotion of tourism attractions and/or events. All brochures or poster final copy must be reviewed and approved by the Matching Grant Program staff prior to being printed. Final proofs must be submitted to the Department at least two working days prior to printing to allow for changes if necessary. Applicants bear sole responsibility for accuracy of information printed. The date and quantity printed must appear on the printed material or a 5% penalty will be assessed. All printed projects that are funded under the Program must be available on a gratis basis free of charge to the public and shall not be sold.

Advertising - Advertising must be directed toward areas other than the immediate location of the attraction, event, or area being promoted. Matching grant funds cannot be used to pay for advertising placed within a 65-mile radius of the attraction, event, or area being promoted. Advertising will be considered eligible if placed with media outside the 65-mile radius, even if a portion of the advertising falls inside the radius. Advertising placed in a major market (e.g. Chicago, St. Louis) will also be considered for funding if it is placed inside the 65-mile radius. A typed transcript or one audio/video cassette tape copy of each advertisement must be submitted with the application. The ad must be persuasive with general information, not mentioning the names of commercial businesses. The message should also include an address or phone number to contact for more information.

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Billboards - Rental of billboard space, as well as the artwork, design, and production of billboard advertising, is an eligible expenditure. Billboards must promote attractions, events, availability of lodging, camping or other travel related services. Billboard advertising cannot mention specific privately owned businesses or attractions. The 65-mile radius guideline governing other advertising does not apply to billboard location but traffic count and visibility will be a major consideration."

A definition of "Ineligible Promotional Projects" has been added which reads:

"Ineligible Promotional Projects": In general, a project is considered ineligible if it does not contribute to the overall intent of bringing additional tourists into the State or to an attraction or festival. Examples of projects ineligible for funding include, but are not limited to:

Association or organizational dues.

Bumper stickers, placemats, or any type of specialty items.

Any type of quick-print materials.

Any administrative expenses (e.g. stationery, envelopes, phone, rent, newsletters, supplies, personnel or equipment).

Purchase or rental of projectors, television sets, or video recorders.

Projects containing paid advertising.

Postage, purchase or use of mailing lists, distribution and shipping costs.

Street banners.

Event production expenses (e.g. audio equipment, awards, entertainment, fireworks, portable restrooms, hired labor, refreshments, etc.).

Travel expenses (transportation, lodging, per diem).

Travel/trade show booth space rental and/or registration fees.

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Promotion of county fairs."

In the definition of "Municipality", all language, except the cite, has been capitalized to designate statutory language.

The following language has been added to the end of "Total Project Cost": "The total project cost must equal or exceed \$500 to be considered for a grant award. Projects are reviewed, evaluated, and funded according to the percentages of total project cost based on the quality of the project and its duration. Thirty to forty percent of the total project cost will be funded for approved festival events (festival events have a duration of 1-29 days). Forty to fifty percent of the total project cost will be funded for approved seasonal events (seasonal events have a duration of 1-6 months). Forty to sixty percent of the total project cost will be funded for approved year-round promotions (year-round promotions have a duration of 7-12 months)."

Section 510.50

A new subsection (b) has been inserted which reads "Only one application per applicant can be submitted for each award period for each category of funding (i.e., festival event, seasonal event, year-round promotion). Multiple projects can be combined into one request."

Remaining subsections in Section 510.50 have been relabeled accordingly.

Section 510.60

The third sentence of subsection (a) has been rewritten to read: "Applications shall be received a minimum of sixty (60) days prior to award dates of August 1, November 1, February 1, and May 1 or the application will be considered during the next award period." and in lines 2 and 8 changed "June 15" to "June 1".

Section 510.80

Added the following to the end of subsection (a): "The project must not be initiated prior to approval by the Department to remain eligible for funding."

In subsection (b)(6), lined through the word "printed" in line 2.

In subsection (b)(7), inserted "a minimum of" before "10%".

In subsection (b)(7), the following has been added to the end of the subsection: "The entire 10% must be received in the Bureau of Tourism's Springfield warehouse prior to reimbursement of the grant award".

In subsection (b)(9), after "Department", added ". Failure to do so

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will result in a cost disallowance. The project must be completed by the date on the Notice of Grant Award unless a written request for an extension is submitted 5 working days prior to the award completion date."

Section 510.85

A new Section 510.85 has been added entitled "Administrative Requirements" which reads:

"a) Reporting

- 1) Grantees shall maintain appropriate records of actual costs incurred and shall submit to the Department detailed itemization supported by copies of vendor invoices. Cancelled checks (both front and back) shall be submitted by the grantee for project expenditure documentation within forty-five days after payment of the grant as proof of payment for all applicable cost of the program.

- 2) A program status report must be submitted to the Department by May 15 for all projects which have not been completed. Billing for the total costs of projects must be submitted to the Department within forty-five days of project completion and no later than August 15 to facilitate payment.

- 3) Upon request, grantees must submit financial reports on the progress of the project.

b) Accountability

- 1) The grantee is accountable for all funds received under this grant and shall maintain complete records of expenditures made on the grant project. The grantee will, as often as deemed necessary, allow the Department or the Auditor General of the State of Illinois or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant for three years from the date of submission of the final expenditure report.

- 2) If any services specified in the approved marketing plan are subcontracted, the grantee shall include in all its subcontracts under a program grant a provision that the Department, and the Auditor General of the State of Illinois, or any of their duly authorized representatives, will have full access to and the right to examine any pertinent books, documents, papers and records of any such

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contractor involving transactions related to the contract for three years from the final payment under the contract.

- c) Contracting - The following contracting requirements shall be observed by the grantee:

- 1) For local government grantees, no officer or employee of the grantee and no member of its governing body and no other public official of the locality in which the program objectives will be carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such objectives shall participate in any decision relating to any contract negotiated under a program grant which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested, or has any financial interest, direct or indirect, in such contract or in the work to be performed under such contract.

- 2) For non-governmental grantees, such a financial interest is permissible provided full disclosure of said interest is made to the Department in advance of any decisions relative to the award of a contract giving rise to such interest and further provided that the officer, employee, or member of the governing body so affected shall remove him or herself from the room during any discussion, deliberation and voting in connection with the awarding of such a contract.

- d) Nondiscrimination - The grantee shall comply with all applicable State and Federal employment laws, rules and regulations, and shall comply with all laws and regulations prohibiting discrimination on the basis of race, sex, religion, national origin, age, or handicap.

- e) Suspension or Cancellation of Grant - The Department shall suspend or cancel a grant if the grantee fails to comply with the terms and conditions of the grant. The Department will give ten days notice to the grantee of any contemplated suspension or termination of a grant.

- f) Complaint Process - In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures)."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will these amendments replace an emergency amendment currently in

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effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: On August 17, 1990 the department adopted emergency amendments to the "Illinois Promotion Act" rules. The same text was simultaneously proposed through the normal rulemaking process. In that amendment a newly funded program authorized by the Illinois Promotion Act was added. For clarification, the rule was split into two Subparts. The initial program, which we are amending in this rulemaking, was named "SUBPART A: TOURISM MATCHING GRANT PROGRAM". That rulemaking was adopted prior to the adoption of this rulemaking which serves to revise and update the authority (Section 510.10), definitions (Section 510.20), the form of application (Section 510.50), application procedures (Section 510.60), department review procedures (Section 510.70), provisions of the agreement (Section 510.80), and administrative requirements (Section 510.85). The statutory language in Section 510.40 is being placed in the upper case. This change is necessary because the department's word processing equipment no longer has the capability for italics.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. John D. Taylor, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

The full text of the Adopted Amendments begins on the next page:

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 510

ILLINOIS PROMOTION ACT PROGRAMS

SUBPART A: TOURISM MATCHING GRANT PROGRAM

| Section | |
|---------|--|
| 510.10 | Authority |
| 510.20 | Definitions |
| 510.30 | Computation of Time |
| 510.40 | Allocation of Appropriations to Applicants |
| 510.50 | Form of Application |
| 510.60 | Application Procedures |
| 510.70 | Department Review Procedures |
| 510.80 | Agreement |
| 510.85 | Administrative Requirements |
| 510.90 | Provision for Amendment to This Part |
| 510.100 | Severability |

SUBPART B: TOURISM ATTRACTION LOAN AND GRANT PROGRAM

| Section | |
|---------|--|
| 510.110 | Purpose |
| 510.120 | Definitions |
| 510.130 | Eligible Uses of Loan and Grant Funds |
| 510.140 | Eligible Applicants |
| 510.150 | Funding Limitation |
| 510.160 | Application Cycle |
| 510.170 | Application Documentation |
| 510.175 | Evaluation Process |
| 510.180 | Selection for Funding |
| 510.185 | Leverage |
| 510.190 | Allocation of Appropriations |
| 510.195 | Administrative Requirements for Loans |
| 510.200 | Administrative Requirements for Grants |
| 510.205 | Administrative Requirements for Loans and Grants |

AUTHORITY: Implementing and authorized by the Illinois Promotion Act (Ill. Rev. Stat. 1989, ch. 127, pars. 200-21 et seq.).

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991.

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NOTE: Capitalization denotes statutory language.

SUBPART A: TOURISM MATCHING GRANT PROGRAM

Section 510.10 Authority

The Illinois Department of Commerce and Community Affairs, having been created pursuant to Chapter-127; Paragraph-46; 1-et-seq;; Executive Order No. 3 (effective 1979) 7-as-amended, has been empowered to administer the Illinois Promotion Act (Ill. Rev. Stat. 1989, ch. 127, pars. 200-21 et seq.).

(Source: Amended at 15 Ill. Reg. 8848, effective June 10, 1991)

Section 510.20 Definitions

Act

"Act": means the Illinois Promotion Act.

Agreement

"Agreement": means a signed and written document defining the rights and obligations of the Applicant and the Department in respect to the Project and the Grant Amount.

Applicant

"Applicant": means a County, Municipality or Local Promotion Group which is located within the State of Illinois.

Application

"Application": means that written document submitted by the Applicant on the approved form of the Department, -attached-to which-shall-be-included-. The dated application shall include the following information:

Name of applicant organization.

Name, title, address, and telephone number of authorized official.

County and legislative district where attraction/event will take place.

Federal Employment Identification Number (F.E.I.N.) or social security number of authorized official.

Project title.

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Anticipated initiation and completion date (project may not be initiated prior to approval by the Bureau of Tourism to remain eligible for matching grant funding).

Estimated total cost of project (based on bids and itemized budget).

Percentage and amount of tourism matching grant request.

A description of the project (A detailed description of the work to be performed and the need for the project. Information should include a description of the event, attraction or area being promoted, and quantity of project (e.g. number of brochures to be printed)).

A description of how and where printed material will be distributed or the geographic location of the audience for projects containing advertising (e.g. radio, television, newspaper).

A description of the economic impact expected as a result of this project and how the program will aid in the promotion of tourism in Illinois.

A description of anticipated project results and a description of the evaluation methods to be used in determining the results. Emphasis should be placed on quantifiable measures as the applicant may be asked to verify results.

A list of the source(s) and amount of funding for the applicant's project.

An itemized budget for each cost which identifies the vendor and provides a brief description of the services being provided."

a-description-of-the-studies,-surveys-and-investigations proposed-to-be-made-and-other-Promotional-Activities Proposed-to-be-undertaken;.

a-statement,-under-oath-or-affirmation,-which-contains sufficient-supporting-documentation-to-identify-the-amount of-funds-held-by;-committed-to-or-subscribed-to;-and proposed-to-be-expended-by;-the-Applcant-for-the-purposes of-the-Act-and-the-Grant-Amount-for-which-Application-is made;

a-certified-copy-of-the-order;-resolution;-ordinance-or

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other - appropriate - action - of - the - governing - body - of - the Applicant - which - authorizes - the - Application - to - be - made - to the Department;

a - certification - of - the - Applicant; - properly - attested; - which certifies - the - Applicant's - ability - to - pay - its - local - share - of the - Total - Project - Cost; - and

"Application Documentation": includes

samples of the proposed Project which shall include, but are not limited to, mock-up and copy or duplicates of mock-up with color indicated;

copies of a minimum of two competitive bids, using identical specifications, for all total costs by any vendor that exceeds \$500 and identification of the low bid listed on the itemized budget;

an agreement by the Applicant to comply with Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, par. 132.10-1);

a certification by the Applicant that it has not been barred from bidding on or receiving State contracts as a result of illegal bid rigging as defined in Section 33B-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, par. 33E-3); and

a current copy of the applicant organization's State of Illinois Not-For-Profit Certificate of Good Standing.

"Bureau of Tourism": is that division of the Department which has the delegated authority to perform all administrative functions relating to the Act.

Department

"Department": means the Department of Commerce and Community Affairs of the State of Illinois.

"Eligible Promotional Projects Activities": means - preparing; planning - and - conducting - campaigns - of - information; advertising and publicity through - such - media - as - newspapers; radio; - television; magazines; trade-journals; moving - and - still - photography; posters; outdoor signboards and personal - contact - within - and - without - the State - of - Illinois; - dissemination - of - information; - advertising; publicity; photographs - and - other - literature - and - material - designed to - carry - out - the - purpose - of - this - Act; - and - participation - in - and

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attendance - at - meetings - and - conventions - concerned - primarily - with tourism; - including - travel - to - and - from - such - meetings; - include but are not limited to:

Brochures/Posters - Brochures/posters must be devoted to the promotion of tourism attractions and/or events. All brochures or poster final copy must be reviewed and approved by the Matching Grant Program staff prior to being printed. Final proofs must be submitted to the Department at least two working days prior to printing to allow for changes if necessary. Applicants bear sole responsibility for accuracy of information printed. The date and quantity printed must appear on the printed material or a 5% penalty will be assessed. All printed projects that are funded under the Program must be available on a gratis basis free of charge to the public and shall not be sold.

Advertising - Advertising must be directed toward areas other than the immediate location of the attraction, event, or area being promoted. Matching grant funds cannot be used to pay for advertising placed within a 65-mile radius of the attraction, event, or area being promoted. Advertising will be considered eligible if placed with media outside the 65-mile radius, even if a portion of the advertising falls inside the radius. Advertising placed in a major market (e.g. Chicago, St. Louis) will also be considered for funding if it is placed inside the 65-mile radius. A typed transcript or one audio/video cassette tape copy of each advertisement must be submitted with the application. The ad must be persuasive with general information, not mentioning the names of commercial businesses. The message should also include an address or phone number to contact for more information.

Billboards - Rental of billboard space, as well as the artwork, design, and production of billboard advertising, is an eligible expenditure. Billboards must promote attractions, events, availability of lodging, camping or other travel related services. Billboard advertising cannot mention specific privately owned businesses or attractions. The 65-mile radius guideline governing other advertising does not apply to billboard location but traffic count and visibility will be a major consideration.

Grant-Amount

"Grant Amount": means an amount, which shall not exceed 60% (sixty percent) of the Total Project Cost, that the Department shall pay to an Applicant after:

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review of the Application;

the Department has determined that the Project and proposed expenditures of the Applicant appear to be in accord with the purpose of the Act and comply with this Part; and

the Department has received sufficient evidence of Project completion.

"Ineligible Promotional Projects": In general, a project is considered ineligible if it does not contribute to the overall intent of bringing additional tourists into the State or to an attraction or festival. Examples of projects ineligible for funding include, but are not limited to:

Association or organizational dues.

Bumper stickers, placemats, or any type of specialty items.

Any type of quick-print materials.

Any administrative expenses (e.g. stationery, envelopes, phone, rent, newsletters, supplies, personnel or equipment).

Purchase or rental of projectors, television sets, or video recorders.

Projects containing paid advertising.

Postage, purchase or use of mailing lists, distribution and shipping costs.

Street banners.

Event production expenses (e.g. audio equipment, awards, entertainment, fireworks, portable restrooms, hired labor, refreshments, etc.).

Travel expenses (transportation, lodging, per diem).

Travel/trade show booth space rental and/or registration fees.

Promotion of county fairs.

Local-Promotion-Group

"LOCAL PROMOTION GROUP": MEANS ANY NON-PROFIT CORPORATION,

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ORGANIZATION, ASSOCIATION, AGENCY OR COMMITTEE THEREOF FORMED FOR THE PRIMARY PURPOSE OF PUBLICIZING, PROMOTING, ADVERTISING OR OTHERWISE ENCOURAGING THE DEVELOPMENT OF TOURISM IN ANY MUNICIPALITY, COUNTY OR REGION OF ILLINOIS (Section 3(b) of the Act).

Local-Share

"Local Share": means that portion of Total Project cost which:

in no case shall be less than 40% (forty percent) of the Total Project Cost;

is provided by the Applicant; and

is authorized-at-a-public-meeting-of-the-Applicant;-and

is irrevocably obligated to the Project.

Municipality

"MUNICIPALITY": MEANS "MUNICIPALITY" AS DEFINED IN SECTION 1-1-2(1) OF THE ILLINOIS MUNICIPAL CODE (ILL. REV. STAT. §9811989, ch. 24, par. 1-1-2(1)).

Office-of-Tourism

The-Office-of-Tourism-is-that-division-of-the-Department-which has--the--delegated--authority--to--perform--all--administrative functions-relating-to-the-Act:

Project

"Project": means the program of Promotional Activities which is described by the Applicant in the Application and is approved by the Department. Acceptable components of a Project may include, but are not limited to, the examples of valid projects contained on the Application form.

Promotional-Activities

"Regional Tourism Councils": are volunteer organizations within the State geographic areas (southern, northern, western, central) which work in cooperation with the Department to promote tourism in Illinois.

Super-Regions

Super--Regions--are--those--geographic--areas--within--the--State

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(southern;- northern;- western;- central-and-metropolitan-Chicago) which work-in-cooperation-with-the-Department-to-promote-tourism in--Illinois--and--to--increase--the--income--of--travel-related businesses:

Tourism-Councils

Tourism-Councils-are-other-private-volunteer-organizations-within Super-Regions-which-promote-tourism-in-Illinois:

Total-Project-Cost

"Total Project Cost": means all necessary and reasonable costs related to the completion of the Project, but does not include administrative costs incurred by the Applicant, examples of which are stationery, postage, telephone, office equipment and services of professional fund raisers. The total project cost must equal or exceed \$500 to be considered for a grant award. Projects are reviewed, evaluated, and funded according to the percentages of total project cost based on the quality of the project and its duration. Thirty to forty percent of the total project cost will be funded for approved festival events (festival events have a duration of 1-29 days). Forty to fifty percent of the total project cost will be funded for approved seasonal events (seasonal events have a duration of 1-6 months). Forty to sixty percent of the total project cost will be funded for approved year-round promotions (year-round promotions have a duration of 7-12 months).

(Source: Amended at 15 Ill. Reg. 8848, effective June 10, 1991)

Section 510.40 Allocation of Appropriations to Applicants

Annual appropriations made by the General Assembly to the Department for the purpose of making grants under the Act are allocated by the Department pursuant to statutory language, Chapter-127, Paragraph-280-28 found in Section 8 of the Act, which allocation is made as follows:

- a) 62.5% TO LOCAL PROMOTION GROUPS, MUNICIPALITIES, AND COUNTIES NOT WHOLLY OR PARTIALLY WITHIN ANY COUNTY OF MORE THAN 1 MILLION POPULATION; AND
- b) 37.5% TO LOCAL PROMOTION GROUPS, MUNICIPALITIES, AND COUNTIES WHOLLY OR PARTIALLY WITHIN ANY COUNTY OF MORE THAN 1 MILLION POPULATION; HOWEVER,
- c) IF SUFFICIENT LOCAL FUNDS CANNOT BE RAISED TO MATCH THE ALLOCATION MADE UNDER EITHER paragraph subsection (a) OR (b) OF THIS SECTION, SUCH APPROPRIATIONS MAY BE REALLOCATED, IN WHOLE OR

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IN PART, TO ANY APPLICANT OR APPLICANTS ABLE TO QUALIFY FOR A GRANT OR MAY BE USED BY THE DEPARTMENT TO PROMOTE THE TOURIST ATTRACTIONS OF THE STATE OF ILLINOIS AS A WHOLE.

(Source: Amended at 15 Ill. Reg. 8848, effective June 10, 1991)

Section 510.50 Form of Application

- a) All communications relating to Application procedures herein defined shall be sent to the Assistant-Managing-Director-of-Matching Grant Manager of the Office Bureau of Tourism of the Illinois Department of Commerce and Community Affairs, 222-South College-Street, 620 East Adams Street, Springfield, Illinois 62706 62701.

- b) Only one application per applicant can be submitted for each award period for each category of funding (i.e., festival event, seasonal event, year-round promotion). Multiple projects can be combined into one request.

- c) An Application shall be in writing and on the approved form provided by the Department which form shall be sent to an interested party upon request.

- d) An Application shall be submitted as one (1) original and two (2) copies.

- e) Each Application including supporting documents and attachments shall be contained under a single cover.

(Source: Amended at 15 Ill. Reg. 8848, effective June 10, 1991)

Section 510.60 Application Procedures

- a) An Application must be received by the Department during the period of time between July-1-through-March-31 June 1 through March 1 of each State fiscal year. Grant awards will be made four times annually. Applications shall be received a minimum of sixty (60) days prior to award dates of August 1, November 1, February 1, and May 1 or the application will be considered during the next award period. Any Application received during the period of time between April-1 March 1 and June 30 1 shall be deemed to have been received by the Department on-July-1-of-the for the following fiscal year.

- b) Except as provided in paragraph subsection (a) above, an Application will be considered received when delivered to the Office-of-the-Assistant-Managing-Director-of the Office Bureau of Tourism.

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c) The Managing-Director Matching Grant Manager of the Office Bureau of Tourism or the Managing-Director's-designee shall issue a receipt to the Applicant acknowledging delivery of the Application including date and-time the Application was received.

d) Applications-shall-be-considered-in-the-order-of-receipt-by-the Department-for-all-purposes-

d) e) Review of Applications

1) Within fourteen (14) days of receipt of the Application, the Managing-Director-of-the-Office Matching Grant Manager of the Bureau of Tourism or the Managing-Director's designee shall notify the Applicant that after an initial review, the Application and attached exhibits are complete on their face. This notice is not in any way an acknowledgement by the Managing-Director Matching Grant Manager as to the adequacy of the substance of the Application.

2) In the event the Managing-Director Matching Grant Manager of the Office Bureau of Tourism or the Managing-Director's designee determines that the Application and its attached exhibits are not complete on their face, the Applicant shall be notified of such fact along with a list of such deficiencies within fourteen (14) days of the receipt of the Application.

3) Should the Managing-Director-of-the-Office-of-Tourism-or the Managing-Director's-designee Matching Grant Manager of the Bureau of Tourism send a notice of deficiency as required in paragraph subsection(e)(d)(2) above, the Applicant shall have fourteen (14) days from the date of such notice to cure such deficiency. If

A) the Applicant fails to supply additional material to cure the deficiency; or

B) submits additional material which in the opinion of the Managing-Director Matching Grant Manager does not cure the deficiency, the Application shall be considered null and void and returned to the Applicant.

4) If the deficiency-as-noted-in-the-list-pursuant-to paragraph-(e)(2)-above-is-cured-the-Managing-Director shall-notify-the-Applciant-that-the-Application--and attached-exhibits-are-complete-on-their-face-in-the-form and-manner-provided-in-paragraph-(e)(i)-above

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e) f) Within sixty (60) days from the date of notification issued pursuant to subsection paragraph-(e)(d)(1) or (e)(d)(4)(2), the Managing Director of the Department shall either:

- 1) notify the Applicant of-sufficiency-of that its Application has been approved and-that-the-Application-is-accepted; or
- 2) notify the Applicant of-rejection-for-reason-of-substantive deficiencies-in-the-Application-and-include-a-list-of-such deficiencies that its Application has been rejected, stating the reason(s) for this rejection.

(Source: Amended at 15 Ill. Reg. 8848, effective June 10, 1991)

Section 510.70 Department Review Procedures

a) The Application shall be reviewed by the Springfield Division Manager Managing-Director and the Matching Grant Manager Assistant-Managing-Director of the Office Bureau of Tourism and such-other-persons--or--entities--within--or--outside--State government--which--in-the-discretion-of-the-Managing-Director; may-assist-in-this-review-procedure--Such-assistants--of-the-requested-from-Super-Regions-or-other-representatives-of-the-appropriate-Super-Region-and then presented to the Tourism Deputy Director and the Department's Director for approval or rejection.

b) The following questions and factors shall be considered by the Department in its determination whether to accept or reject an Application:

1) Marketing

A) Is the Project a component of an overall marketing program? Does it complement regional and state marketing programs? More favorable consideration is given to Projects that are part of a thorough, well-planned marketing program prepared by the-Super Region in cooperation with the Office Bureau of Tourism.

B) Is there-a-definite-need-for-the-Project?--Projects should-not-be-done-for-the-sake-of-doing-them-but rather-should-fulfill-specific-marketing-objectives. If-so-what-is-the-marketing-rationale-for-the-Project?

C) Will the Project reach a new or expanded audience? The goal of tourism promotion is to encourage people from outside of given areas to travel to the area and

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thereby stimulate the area's economy. Projects should not be directed primarily at people who are already aware of the attractions.

- C) Will the Project generate overnight travel? Statistics prove travelers spending at least one night away from home spend more money and therefore will have a more positive effect on the economy of a given area.

- D) What is the intended audience? Are targets well chosen and will the message appeal? Audiences may include consumers inside or outside the State, special interest groups, travel agents and tour brokers, etc.

- E) Are measurements of Project effectiveness incorporated in the Application as a follow-up research? Will the project aid in the promotion of tourism in Illinois?

2) Economic Impact

- A) What is the potential economic impact from implementation of this Project?

- B) Are there measurable ways to gauge effectiveness in terms of increased visitor spending in the area, increased employment, increased sales, increased gasoline, hotel-motel and/or retail occupation tax revenues? Plans for a follow-up evaluation and ongoing research will enhance the Project Application.

3) Regional Concept

- Projects representing the Super-Region concept of cooperative marketing will be better received than Projects promoting a one-time event or single attraction. Similarly, Projects which have the endorsement of the Regional Councils will be more favorably considered than those without such endorsement.

3) Duplication

The Project should not duplicate anything already available in the target market area.

(Source: Amended at 15 Ill. Reg. 8848, effective June 10, 1991)

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Section 510.80 Agreement

- a) Within thirty (30) days of the time when the Department sends notice to the Applicant that the Project has been accepted, pursuant to Section 510-60(f) hereof approved for funding, an Agreement shall be executed
- i) by the Director of the Department or the Director's designee on behalf of the Department, and the project must not be initiated prior to approval by the Department to remain eligible for funding.

- 2) by the Applicant's officer(s) on behalf of the Applicant.

- b) The Agreement shall contain substantive provisions including but not limited to the following:

- 1) a recitation of legal authority pursuant to which the Agreement is made;
- 2) an identification of the Project scope, schedule, and the work or services to be performed or conducted by the Applicant;
- 3) an identification of the Grant Amount;
- 4) the conditions and manner by which the Department shall pay the Grant Amount subject at all times to annual appropriation by the General Assembly;
- 5) the irrevocable promise of the Applicant to pay the Local Share of the Total Project cost;
- 6) the promise of the Applicant to display the Illinois Tourism Mark identification on all printed Project material after its use has been approved by the Department;
- 7) the promise of the Applicant, if requested, to furnish to the Department a minimum of 10% (ten percent) of the total promotional material produced. The entire 10% must be received in the Bureau of Tourism's Springfield warehouse prior to reimbursement of the grant award;
- 8) a promise by the Applicant not to assign or transfer any of the rights, duties or obligations of the Applicant without the express written consent of the Department;
- 9) a promise by the Applicant not to terminate or amend the Agreement without the written consent of the Department.

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Failure to do so will result in a cost disallowance. The project must be completed by the date on the Notice of Grant Award unless a written request for an extension is submitted 5 working days prior to the award completion date; and

- 10) a-covenant-of-the-Applicant-to:
 - A) exercise-diligence-and-prudence-in-performing-its-legal-duties;
 - B) comply-with-all-applicable-Federal-State-and-local-law-in-executing-its-responsibilities;
 - C) a covenant of the Applicant to apply the Grant Amount only for the purposes of the Project as stated in the Application; and
 - D) enforce-its-rights-against-any-contractor-or-vendor;
 - E) provide-the-Department-with-copies-of-these-Portions-of-the-Minutes-of-each-meeting-of-the-Applicant-which-deals-with-the-subject-of-the-Project; and
- 11) F) a covenant of the Applicant to refrain from entering into any written or oral agreement or understanding with any party which might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Act.
 - C) the-Department-may-in-its-discretion-depending-upon-the-Project-Amount-and/or-the-purpose-of-the-Project-waive-all-or-part-of-the-requirements-of-paragraphs-(a)-and-(b)-above;

(Source: Amended at 15 Ill. Reg. 8848, effective June 10, 1991)

Section 510.85 Administrative Requirements

a) Reporting

- 1) Grantees shall maintain appropriate records of actual costs incurred and shall submit to the Department detailed itemization supported by copies of vendor invoices. Cancelled checks (both front and back) shall be submitted by the grantee for project expenditure documentation within forty-five days after payment of the grant as proof of payment for all applicable cost of the program.

- 2) A program status report must be submitted to the Department

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by May 15 for all projects which have not been completed. Billing for the total costs of projects must be submitted to the Department within forty-five days of project completion and no later than August 15 to facilitate payment.

- 3) Upon request, grantees must submit financial reports on the progress of the project.

b) Accountability

- 1) The grantee is accountable for all funds received under this grant and shall maintain complete records of expenditures made on the grant project. The grantee will, as often as deemed necessary, allow the Department or the Auditor General of the State of Illinois or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant for three years from the date of submission of the final expenditure report.
- 2) If any services specified in the approved marketing plan are subcontracted, the grantee shall include in all its subcontracts under a program grant a provision that the Department, and the Auditor General of the State of Illinois, or any of their duly authorized representatives, will have full access to and the right to examine any pertinent books, documents, papers and records of any such contractor involving transactions related to the contract for three years from the final payment under the contract.

- C) Contracting - The following contracting requirements shall be observed by the grantee:

- 1) For local government grantees, no officer or employee of the grantee and no member of its governing body and no other public official of the locality in which the program objectives will be carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such objectives shall participate in any decision relating to any contract negotiated under a program grant which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested, or has any financial interest, direct or indirect, in such contract or in the work to be performed under such contract.

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- 2) For non-governmental grantees, such a financial interest is permissible provided full disclosure of said interest is made to the Department in advance of any decisions relative to the award of a contract giving rise to such interest and further provided that the officer, employee, or member of the governing body so affected shall remove him or herself from the room during any discussion, deliberation and voting in connection with the awarding of such a contract.
- d) Nondiscrimination - The grantee shall comply with all applicable State and Federal employment laws, rules and regulations, and shall comply with all laws and regulations prohibiting discrimination on the basis of race, sex, religion, national origin, age, or handicap.
- e) Suspension or Cancellation of Grant - The Department shall suspend or cancel a grant if the grantee fails to comply with the terms and conditions of the grant. The Department will give ten days notice to the grantee of any contemplated suspension or termination of a grant.
- f) Complaint Process - In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

(Source: Added at 15 Ill. Reg. 8848, effective June 10, 1991)

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NOTICE OF ADOPTED RULE

- 1) Heading of Part: Accelerated Life Benefit/Terminal Illness/Qualified Conditions
- 2) Code Citation: 50 Ill. Adm. Code 1407
- 3) Section Number:
- | | |
|---------|-------------|
| 1407.10 | New Section |
| 1407.20 | New Section |
| 1407.30 | New Section |
| 1407.40 | New Section |
| 1407.50 | New Section |
| 1407.60 | New Section |
- Adopted Action:
- 4) Statutory Authority: Implementing and authorized by Article I, Section 4 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 616, as amended).
- 5) Effective Date of Rule: June 7, 1991
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office: June 3, 1991
- 9) Notice of Proposal Published in Illinois Register:
November 2, 1990 14, Ill. Reg. 17737
- 10) Has JCAR issued a Statement of Objections to this rule?
No.
- 11) Difference(s) between proposal and final version:
- The word "INDIVIDUAL" has been deleted from the Part title and the Section numbers are now consecutive. Section 1407.60 entitled "'Reserves" has been added.
 - Section 1407.20 - Is now Section 1407.10. This entire subsection has been revised and consolidated.
 - Section 1407.30 - Is now Section 1407.20. In the definition of "Terminal Illness" on the first line a comma has been added following the word "condition". On line two the words "who is" have been deleted

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following the word "physician". "Qualified Actuary" and its definition have been added to this subsection.

- d) Section 1407.60 - Is now Section 1407.30. In 1407.30(a)(1) the last sentence has been added. In 1407.30(a)(2) on line one the word "itself" has been deleted and the following language inserted "net of any outstanding policy loans". On line three following the word "applicable" the following language has been added "accrued interest, or any applicable". The last sentence has been deleted. In 1407.30(a)(3) the last sentence as been added. In Section 1407.30(a) subsections (4), (5) and (6) have been added. In Section 1407.30(a)(5) on line five the word "principals" has been changed to "principles".

In Section 1407.30(b)(1) has been added to this Section. What was 1407.30(b)(1) becomes (b)(2). What was 1407.30(b)(2) has been deleted. What was 1407.30(b)(3) and (4) remain (b)(3) and (4) and 1407.30(b)(5) and (6) have been added to this Section.

- e) Section 1407.70 - Is now Section 1407.40. Subsection 1407.40(c) has been added to this Section.

- f) Section 1407.80 - Is now Section 1407.50. This subsection has been rewritten and reorganized.

- g) Section 1407.60 - Is a new Section to this Part.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.

- 13) Will this rulemaking replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of rulemaking: The purpose of this Part is to provide a framework for the development of life insurance products which permits maximum flexibility consistent with law and sound actuarial principles. This Part also provides for full and complete disclosure.

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- 16) Information and questions regarding this adopted Rule shall be directed to:

Charles Budinger
Department of Insurance
320 West Washington
Springfield, Illinois 62767

The full text of the Adopted Rule begins on the next page.

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NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1407

ACCELERATED LIFE BENEFIT/TERMINAL ILLNESS/
QUALIFIED CONDITIONS

| | |
|---------|--------------------------------|
| Section | Purpose and Applicability |
| 1407.10 | Definitions |
| 1407.20 | Form Requirements |
| 1407.30 | Standards for Claims Payment |
| 1407.40 | Required Disclosure Provisions |
| 1407.50 | Reserves |
| 1407.60 | |

AUTHORITY: Implementing and authorized by Article I, Section 4 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 616, as amended by P. A. 86-1176, effective August 15, 1990).

SOURCE: Adopted at 15 Ill. Reg. 8872, effective June 7, 1991.

Section 1407.10 Purpose and Applicability

The purpose of this Part is to regulate accelerated benefit provisions in individual and group life insurance policies, contracts, riders, endorsements or amendments and to provide required standards of disclosure. This Part is not applicable to Long-Term Care policies, contracts, riders, endorsements or amendments subject to the provisions of Article XIXA of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 963A-1 et seq.).

Section 1407.20 Definitions

"Accelerated Benefits" means amounts payable in advance of the time life insurance benefits would otherwise be payable because of the occurrence of a terminal illness or a qualified covered condition.

"Qualified Actuary" means a person that meets the requirements of 50 Ill. Adm. Code 920.

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"Qualified Covered Condition" means any one of the separate covered conditions as set forth in Section 4, Class 1(a) of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 616(a), as amended by P. A. 86-1176, effective August 15, 1990) the occurrence of which may result in the payment of an accelerated benefit of up to 25% of the face amount of the policy.

"Terminal Illness" means a medical condition which, in the opinion of a physician licensed to practice medicine in all of its branches, would generally result in the insured's death within a period not to exceed 24 months, or any condition which requires continuous confinement in an eligible institution if the insured is expected to remain until death.

Section 1407.30 Form Requirements

No policies, contracts, riders, endorsements or amendments which provide for accelerated benefits may be issued for delivery in this State unless they meet the following requirements.

a) General Standards and Practices

- 1) The name given to the coverage must be descriptive of the coverage provided and the terminology "accelerated benefit" shall be included in the descriptive title. Products regulated under this Part shall not be described or marketed as long-term care insurance or as providing long-term care benefits.
- 2) The death benefit net of any outstanding policy loans shall not be reduced by more than the amount of the accelerated benefits and any applicable accrued interest, or any applicable actuarial present value discount appropriate to the policy design.
- 3) The renewability and cost of any accelerated benefit life insurance policy must be guaranteed for the term of the policy or rider. This requirement will not apply to coverage in which the insurer pays the present value of the life insurance face amount based on an applicable actuarial discount. The requirements of this subsection are not applicable to group insurance.

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- 4) The insurer may pay a present value of the face amount. The calculation shall be based on any applicable actuarial discount appropriate to the policy design. The interest rate or interest rate methodology used in the calculation shall be based on sound actuarial principles and disclosed in the contract or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:

- A) The current yield on 90 day treasury bills; or
- B) The current maximum policy loan interest rate.

- 5) The insurer may accrue an interest charge on the amount of the accelerated benefits. The interest rate or interest rate methodology used in the calculation shall be based on sound actuarial principles and disclosed in the policy or actuarial memorandum. The maximum interest rate used shall be no greater than the greater of:

- A) The current yield on 90 day treasury bills; or
- B) The current maximum policy loan interest rate.

- 6) The interest rate accrued on the portion of the lien which is equal in amount to the cash value of the policy at the time of the benefit acceleration shall be no more than the policy loan interest rate stated in the policy.

b) Filing Requirements

- 1) All policy forms and certificate forms pertaining to an accelerated benefit shall be filed with the Department of Insurance for its review and approval prior to their use in this State.
- 2) If the filing is other than a policy or contract, the insurer shall provide the form number of the policy or contract form or forms with which the accelerated benefit filing is to be used.

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- 3) If a form provides for a reduction in policy values following payment of the accelerated benefit, the insurer shall provide the Department with an actuarial explanation of the policy value reductions and the remaining premium, if any.
- 4) In no event will the benefit for accelerated benefit/terminal illness and accelerated benefit/qualified covered condition coverage be combined under one policy or rider.
- 5) The insurer shall file with the Department the disclosure statements it will utilize to comply with Section 1407.50 of this Part.
- 6) Concurrently with the accelerated benefit policy form filing required by this Section, the insurer shall file an actuarial memorandum prepared by a qualified actuary that describes the accelerated benefit(s), the risks, the expected costs and the calculation of statutory reserves in compliance with applicable valuation and nonforfeiture law. (Ill. Rev. Stat. 1989, ch. 73, pars. 835 and 841.2). The insurer shall maintain in its files descriptions of the bases and procedures used to calculate its accelerated benefit provisions.

Section 1407.40 Standards for Claims Payment

- a) Before payment of any benefits the insurer may require medical evidence of the terminal illness or qualified condition, including clinical, radiological, histological or laboratory evidence of the condition. Insurers shall evaluate the medical evidence and may order their own medical examinations.
- b) Settlement options may include one or a combination of:
 - 1) Lump sum payments.
 - 2) Payments of proceeds in installments.
 - 3) Any other form of payment upon which the policy owner and the insurer may agree.
- c) Prior to payment of the accelerated benefit, the policyowner or certificateholder and any irrevocable

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beneficiary must give their written consent to this accelerated transaction.

Section 1407.50 Required Disclosure Provisions

- a) If there is a premium or cost of insurance charge assessed, the insurer shall give the applicant an illustration numerically demonstrating the effect of the payment of the accelerated benefit on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens.
- 1) In the case of producer solicited insurance, the producer shall provide the illustration to the applicant prior to or concurrently with the application.
- 2) In the case of direct mail solicitations, the insurer shall provide the illustration to the applicant at the time the policy is delivered.
- 3) Information on the policy values shall be furnished by the company upon the request of the policy owner or certificate holder.

- b) A written disclosure including, but not be limited to, a brief description of the accelerated benefit and definitions of the conditions or occurrences triggering payment of the benefits and an explanation of any effect of the payment of a benefit on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens shall be provided the applicant in the following manner:

- 1) In the case of producer solicited insurance, the producer shall provide the disclosure form to the applicant prior to or concurrently with the application. Acknowledgement of the disclosure shall be signed by the applicant and the writing producer, if any.
- 2) In the case of direct mail solicitations, the insurer shall provide the disclosure form to the applicant at the time the policy is delivered, with a notice that a full premium refund shall be made if the policy is returned to the insurer within 30

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days of the initial receipt of the policy by the applicant.

- c) A disclosure statement is required at the time of application for the policy, rider or certificate and at the time the accelerated benefit payment request is submitted indicating that receipt of these accelerated benefits may be taxable, and assistance should be sought from a personal tax advisor.
- d) When a policyowner or certificateholder requests an acceleration, the insurer shall send a written statement to the policyowner or certificateholder and any irrevocable beneficiary which demonstrates any effect that the payment of the accelerated benefit will have on the policy's cash value, face value accumulation account, death benefit, premium, policy loans and policy liens.
- e) When the insurer pays an accelerated benefit, it shall issue a new or amended schedule page to the policy to reflect any new or reduced in-force face amount of the policy.

Section 1407.60 Reserves

- a) When benefits are provided through the acceleration of benefits under group or individual policies or riders to such policies, policy reserves shall be determined in accordance with Section 223 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 835). All valuation assumptions used in constructing the reserves shall be determined as appropriate for statutory valuation purposes by a qualified actuary. Reserves in the aggregate shall be sufficient to cover:
 - 1) Policies upon which no claim has yet arisen; and
 - 2) Policies upon which an accelerated benefits claim has arisen.
- b) For policies and certificates which provide actuarially equivalent benefits, no additional reserves need to be established.
- c) Policy liens and policy loans, including accrued

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interest, represent assets of the company for statutory reporting purposes. For any policy on which the policy lien exceeds the policy's statutory reserve liability such excess must be held as a non-admitted asset.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Mental Health Clinic Program Standards and Provider Requirements

2) Code Citation: 59 Ill. Adm. Code 130

3) Section Numbers:Adopted Action:

| | |
|-------------|-----------------------|
| 130.10 | Amended |
| 130.11 | New Section |
| 130.15 | Amended |
| 130.20 | Amended |
| 130.30 | Amended |
| 130.40 | Amended |
| 130.51 | Amended |
| 130.60 | Amended |
| 130.70 | Amended |
| 130.80 | Repealed, New Section |
| 130.90 | Repealed |
| 130.100 | Amended |
| 130.105 | New Section |
| 130.110 | Amended |
| 130.120 | Amended |
| 130.130 | Amended |
| 130.140 | Repealed, New Section |
| 130.150 | Amended |
| 130.160 | Amended |
| 130.170 | Amended |
| 130.180 | Amended |
| 130.190 | Amended |
| 130.200 | Amended |
| 130.210 | Amended |
| 130.220 | Amended |
| 130.230 | Amended |
| 130.240 | Amended |
| 130.250 | Amended |
| 130.TABLE A | Amended |
| 130.TABLE B | Amended |

4) Statutory Authority: Authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987, ch. 91½, par. 5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat., 1989, ch. 91½, par. 100-5, as amended by P.A. 86-1324, effective September 6, 1990); implementing Section 15.3 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1989, ch. 91½, par. 100-15.3, as amended by P.A. 86-1324, effective September 6, 1990) and Section 901 et seq. of the Community Services Act (Ill. Rev. Stat. 1989, ch. 91½, par. 901 et seq.)

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- 5) Effective Date of Amendments: June 10, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? These amendments do not contain any incorporations by reference in accordance with Section 6.02(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1006.02(b)).
- 8) Date Filed in Agency's Principal Office: June 3, 1991.
- 9) Notice(s) of Proposal Published in Illinois Register: November 2, 1990 (14 Ill. Reg. 17744).
- 10) Has JCAR issued a Statement of Objections to these amendments? JCAR did not issue a statement of objections to these amendments.
- 11) Difference(s) between proposal and final version: **The following changes were made in response to public comment:**

Section 130.10(a) - The phrase "the Department of Children and Family Services (DCFS)" was added.

Section 130.20 - In the definition of "(c)lient" the phrase "Medicaid-eligible and is" and the word "or" following the last parenthesis was added. In addition, in this definition and throughout this rulemaking the abbreviation "DCFS" was substituted for the phrase "the Department of Children and Family Services," except in Section 130.30(c).

In the definition of "(l)evel of role functioning," the phrase "(f)or adults, refers to" and the last sentence were added; the word "community" following the word "everyday", the word "the" before the word "three", the phrase "of life functioning" before the word "including", and the phrase following the word "relationships" were deleted.

In the definition of "(m)ental health professional (MHP)," the phrase following the word "degree" in the second sentence was substituted for the phrase "or have a minimum of five years supervised experience in mental health or human services".

In the definition of "(p)hysician direction," the phrase following the words "date of" was substituted for the phrase "initial treatment and service provision."

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- Section 130.30(b) - The opening sentence was deleted and the final three sentences were rewritten.
- Section 130.30(e) - The word "within" was substituted for the word "after".
- Section 130.30(f)(1) - The phrase "or the Department of Alcoholism and Substance Abuse" was added.
- Section 130.30(g) - References to Sections 130.110(e), (g), (h) and (i) and 130.120(a)(1) were added.
- Section 130.30(h) - Rewritten.
- Section 130.40(a)(2) - The phrase "to the Department with which they contract" and the words "report," "final," "already" and "appropriate" were added. The word "one" and the phrase following the final "Department" were deleted.
- Section 130.100(a)(3) - The phrase "job descriptions" was substituted for the word "definitions" after the word "(w)ritten".
- Section 130.110(c)(1)(C) - Added, causing all following subsections to be relabeled.
- Section 130.110(c)(2) - Rewritten.
- Section 130.110(h) - The final sentence was substituted for the language following the word "board".
- Section 130.140(c) - The phrase "Sections 130.TABLE A and 130.TABLE B" was substituted for the phrase "Section 130.Table A".
- Section 130.150(c) - Deleted, causing all following subsections to be relabeled.
- Section 130.160(b) - The sentence "(i)f the physician is directing services for children, the physician must have one year's experience in the treatment of children and adolescents" was moved from following the word "first" in the 15th line to the end of this subsection.
- Section 130.190(b) - The phrase "or the Department of Children and Family Services" was deleted.
- Section 130.190(d) - The phrases "or arranged for" "or caregiver" and the third sentence and commas after the words "parent" and "guardian" were

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added in the fourth sentence. In this same sentence, the word "or" after the word "parent" was deleted.

Section 130.190(f) - The last two sentences were deleted.

Section 130.200(c) - All added language was deleted.

Section 130.200(l) - The phrase "documented by a signed and dated progress note and signature on the assessment with a statement" and the last two sentences were added.

Section 130.210(a) - The second and third sentences were rewritten.

Section 130.220(e)(1) - The added phrase "when not in crisis" following the word "functioning" the parenthetical citation were deleted; the word "when" was substituted before the word "not" and a period was substituted for the final "and".

Section 130.220(e)(1)(B) - Deleted, causing Section 130.220(e)(1)(A) to be relabeled Section 130.220(e)(1).

Section 130.220(e)(2)(A) and (B) - The end phrase beginning with the word "as" through the word "edition" was deleted.

Section 130.240(a)(2) - The word "educational" was substituted for the word "education" in the first line, and the phrases "in nature," "individual education plan" and the parenthesis were added.

Sections 130.240(b)(2)(A), 130.240(b)(3)(B)(1), and 130.250(b)(1)(A) - The word "Scales" was substituted for the word "Scale" and the parenthetical phrase was deleted.

The Department made the following technical changes:

The amendments to Part 130 were filed as an emergency rulemaking (14 Ill. Reg. 18100, November 2, 1990, effective October 19, 1990) as well as being proposed under the general rulemaking provisions of the Illinois Administrative Procedure Act (Ill. Rev. Stat. ch. 127, 1989, par. 1005.01). Because both the proposed and emergency amendments were filed concurrently, there was no opportunity for staff to proofread this rulemaking for technical errors. In preparing second notice, staff discovered that language which was adopted at 12 Ill. Reg. 5356, effective March 8, 1988, had been inadvertently deleted or reorganized. For second notice the Department has restored the adopted language indicating that it has been deleted in these proposed amendments.

Page of questions - Responses to questions (5) and (8) were rewritten.

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Authority note: Updated to reflect new legislation.

Source note: A reference to the Department's emergency rulemaking has been added.

Section 130.10(a) and (c) - The phrase "(89 Ill. Adm. Code) (Medical Payment)" has been punctuated to conform to the way such references are cited in other Department Rules.

Section 130.10(b) - The date for 42 CFR 440 and 456 has been changed to 1989.

Section 130.20 - In the definition of "(e)nrollment," the phrase "of 89 Ill. Adm. Code 140, Medical Payment" has been deleted.

In the definition of "(g)uardian," the initial letters on the words "juvenile" and "court" were put in lower case both times they were used and a hyphen was added between the words "legally" and "appointed".

In the definition of "Medicaid clinic option (MCO)", the initial letters on the words "clinic" and "option" were put in lower case, the phrase "as defined in 42 CFR 440.90, 1989" was added and the final sentence was deleted.

In the definition of "Mental health professional (MHP)," the initial letters in the first use of the words "health" and "professional" were put in lower case. This definition was placed following the definition for "(m)ental health clinic program".

In the definition of "(p)hysician direction," the word "calendar" in the second subsection was deleted.

In the definition of "(p)hysician services," the phrase "Section 3 of" was deleted.

In the definition of "(p)rovider", the initial letter on the word "provider" in the last line was put in lower case.

In the definition of "(q)ualified mental health professional," the phrase "(o)ne of the following" was placed immediately following the introductory deleted language instead of being placed on a line by itself as in the proposed version.

In the third subsection of the definition of "(q)ualified mental health professional," a comma was added before the abbreviation "par.". In the fifth subsection of this same definition, the parenthetical citation was deleted.

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Section 130.30(a) - The commas around the phrase "as a provider," the phrase "Section 140.11 of" and "Medical Payment" were deleted; "89 Ill. Adm. Code 140.11" was substituted for the reference "89 Ill. Adm. Code 140".

Sections 130.30(e) and 130.30(f)(2) - These Sections were corrected to restore language adopted at 12 Ill. Reg. 5356, effective March 8, 1988, which had been inadvertently deleted from the proposed amendments.

Section 130.30(d) - The word "application" was deleted; the form number "DMHDD-1218" and the word "subsection" were added.

Section 130.30(e) - An "s" was added to the word "subsection".

Section 130.30(f) - The word "subsection" was added.

Section 130.30(f)(1) - The word "and" following the deleted word "Hospitals" was added as a deletion to restore language adopted at 12 Ill. Reg. 5356, effective March 8, 1988.

Section 130.30(f)(2) - The word "subsections" was added; the initial letter on the word "Part" was put in upper case in the second sentence; the abbreviation "MCO" was substituted for the phrase "Medicaid Clinic Option," and the initial letters on the words "letter" and "certification" in the third sentence were put in lower case. In addition, the last five sentences were added as deletions to restore language adopted at 12 Ill. Reg. 5356, effective March 8, 1988.

Section 130.30(g) - An "s" was added to the word "Section" except before Sections 130.140, 130.170(f), and 130.190(b).

Section 130.30(h) - The period at the end of this heading was deleted.

Section 130.30(h)(2) - The word "Department's" and the date were added.

Section 130.30(i)(1) - The word "subsections" was added and the initial letter on the word "Section" in the last sentence was put in upper case; the phrase "of the Standards" was deleted.

Section 130.30(l) - The phrase "U.S. Health Care Financing Administration" was substituted for the abbreviation "HCFA".

Section 130.60(b)(11) and (13) - The words "or designee" were restored to these subsections.

Section 130.60(b)(13) - The phrase "his/her" was deleted in the second line.

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Section 130.70(b) - The word "TABLE" was placed in all upper case.

Section 130.110(c)(1)(A) - Parenthesis were added around the phrase "Harcourt, Brace, Jovanovich Publishers" and the date was placed inside these parenthesis.

Section 130.110(h) - The hyphen before the word "eligible" and the word "provider's" was substituted for the word "provider" before the word "board".

Section 130.130(d)(1)(A) through (F) and 130.130(d)(2)(B) - These subsections were reorganized to conform to the way these citations have been shown in other Department Rules.

Section 130.140 - The word "(t)he" was added before the word "written" in the third line.

Section 130.140(d) - The word "client's" was substituted for the word "recipient's".

Section 130.150(h)(4)(relabeled) - A period was substituted for the semicolon after the word "services".

Section 130.150(i)(relabeled) - The phrase "Sections 130.TABLE A and 130.TABLE B" was substituted for the phrase "Tables A and B". The word "provider" was substituted for the word "agency" in the fourth line; the words "client" or "client's," as appropriate, were substituted for the words "recipient" or "recipient's" in the sixth and ninth lines. In the tenth line, the phrase "his or her" was substituted for the word "their".

Section 130.170(b)(1) - The language change from the word "communicate" to the word "communications" was clarified.

Section 130.190(c) - The phrase "this Subpart" was substituted for the phrase "Subpart D."

Section 130.190(f) - The hyphen before the word "hour" in the third line was added.

Section 130.200(i) The word "licensed" was substituted for the word "registered" in the tenth line.

Section 130.210(c) - The phrase "initiation of service" was added as a deletion in the first sentence to restore language adopted at 12 Ill. Reg. 5356, effective March 8, 1988.

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Section 130.230(e)(5) - The phrase "police situations" was deleted to conform to phraseology used elsewhere in this rulemaking.

Section 130.240(b)(1)(B) - The period was added after the word "improved".

Section 130.240(b)(2)(C) - The word "and" was added as a deletion to restore language adopted at 12 Ill. Reg. 5356, effective March 8, 1988. The period was substituted for the semicolon in the adopted version following the word "program".

Section 130.240(c)(2) - The abbreviation "FFE" was deleted.

Section 130.250(a)(3) - The words "or other persons" and the parenthetical phrase in lines five, six and seven were shown as additions. The final phrase was added as a deletion to restore language adopted at 12 Ill. Reg. 5356, effective March 8, 1988.

Section 130.250(b)(1)(B) - Lines five and seven were repunctuated.

Section 130.250(b)(1)(D) - The subsection label "D" was added as a deletion to restore language adopted at 12 Ill. Reg. 5356, effective March 8, 1988.

Section 130.250(c) - The phrase following the abbreviation "QMHP" in the first and second lines was added as a deletion to restore language adopted at 12 Ill. Reg. 5356, effective March 8, 1988.

Section 130.250(d) - In 25th line of the first column, the letter "s" was added to the word "Adolescent".

The Department made the following changes in response to comments received from the State Library:

Notice page, question (4) - The titles of the cited statutes were added.

Section 130.20 - In the definition of "(c)lient", the comma and the word "or" were added after the parenthetical citation.

Although the State Library commented on the wording in the definition of "(m)ental illness," the proposed wording was correct.

Section 130.110(c)(2)(C) - The change which the State Library recommended to this Section is no longer applicable since the proposed language was replaced.

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Section 130.120(d) and 130.120(d)(1) - Although the State Library recommended that specific Sections of the referenced Act be cited, the Department did not do so. It is the Department's intention to reference the Confidentiality Act generally, here and elsewhere in the rulemaking.

Section 130.200(g) - The phrase "in accordance with Chapter 2 of the Code" was added; the phrase "et seq." was substituted for the phrase "through 2-111".

The Department made the following changes in response to agreements made with JCAR:

Section 130.20 - In the definition for "(g)uardian", references to the Juvenile Court Act of 1987 and the Interstate Compact on the Placement of Children were added.

In the definition for "(p)rovider", the comma following the word "Department" in the second line was deleted.

Section 130.30(d) - The subsection references "(a) - (i)" were added and the phrase "as described in subsection (g) below" following the word "plan" in the second line was deleted. Although this deletion is not included in the agreement letter from JCAR, it was agreed on with JCAR staff and appears in the copy of Part 130 generated by JCAR.

Section 130.30(f) - The phrase "minimum requirements for certification described" was substituted for the phrase "service standards" in the third line.

Section 130.30(h)(2) - Rewritten. Although not included in the agreement letter from JCAR, this change was agreed on with JCAR staff and appears in the copy of Part 130 generated by JCAR.

Section 130.30(i)(1) - In the last sentence, the word "shall" was substituted for the word "may" and the reference to Subpart C was added.

Section 130.60(b)(6) - In the last sentence, the word "shall" was substituted for the word "may".

Section 130.60(b)(13) - In the next to the last sentence, the word "in" was substituted for the word "on" after the phrase "set out".

Sections 130.70(c)(1),(2) and (3) - Rewritten.

Section 130.100(a) - The second sentence was added.

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Section 130.100(b) - In the second line, the letter "s" was deleted from the word "broadens".

Section 130.100(c) - Relabeled to create Section 130.105. Although not included in the agreement letter from JCAR, this change was agreed on with JCAR staff. Subsections (c)(1), (2) and (3) were relabeled as (a), (b) and (c) and new Section 130.105 was added to the table of contents.

Section 130.110(c)(1)(A) - The spelling of "Jovanovich" was corrected.

Section 130.110(f)(2) - Rewritten. Although not included in the agreement letter from JCAR, this change was agreed on with JCAR staff and appears in the copy of Part 130 generated by JCAR.

Section 130.140 - In the last line of the opening statement, the word "shall" was substituted for the word "should".

Section 130.180 - The original adopted language was restored.

Section 130.190(c) - The phrase "or DCFS" at the end of the first sentence was deleted.

The agreement letter from JCAR included 10 technical items which had all been corrected before this rulemaking was submitted to JCAR for second notice.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? All changes agreed upon by the Department and JCAR have been made.

13) Will these amendments replace an emergency rule? No. The Department proposed emergency amendments to this rulemaking (14 Ill. Reg. 18100, November 2, 1990, effective October 19, 1990), which expired March 18, 1991.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

These amendments allow the Department of Mental Health and Developmental Disabilities and the Department of Children and Family Services to expand the type of providers of mental health services to children and adolescents to include child care agencies as well as to increase the geographic disbursement and total number of providers to address expanded availability of services.

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Specifically, the amendments allow agencies to be certified to provide services prior to an on-site survey based on a review of the application, change the qualifications of participating professional staff, add specific references to children and adolescent services and reduces the stringency of the administrative Section of Part 130 without sacrificing the necessary regulatory functions. It should be noted that the modifications are applicable to agencies as an entity, not exclusive of adult services.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Joseph R. Buckles
Rules Administrator
Address: 402 Stratton Building
Springfield, IL 62765
Telephone: (217)785-3313

The full text of the Adopted Amendments begins on the next page:

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TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIESPART 130
MENTAL HEALTH CLINIC PROGRAM STANDARDS
AND PROVIDER REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

| Section | Purpose |
|---------|--|
| 130.10 | Incorporation by reference |
| 130.11 | Clients' rights |
| 130.15 | Definitions |
| 130.20 | Application and certification process |
| 130.30 | Recertification and annual review |
| 130.40 | Suspension or termination of certification |
| 130.50 | Termination of certification |
| 130.51 | Certification appeal criteria and process |
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SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

| | |
|---------|--|
| 130.80 | Governing body or board |
| 130.90 | Organizational structure |
| 130.100 | Policies and procedures (Repealed) |
| 130.105 | Personnel and administrative recordkeeping |
| 130.110 | Program evaluation |
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| 130.130 | Recordkeeping |
| | Clinic facilities |

SUBPART C: QUALITY ASSURANCE UTILIZATION REVIEW AND CONTINUITY OF CARE

| | |
|---------|---|
| 130.140 | Quality assurance plan |
| 130.150 | Clinical records |
| 130.160 | Physician direction and mental health clinic services |
| 130.170 | Continuity of care and coordination of service |
| 130.180 | Comprehensiveness and a Availability of services |

SUBPART D: SERVICES

| | |
|---------|---|
| 130.190 | Service categories |
| 130.200 | Comprehensive assessment |
| 130.210 | Treatment plan development and modification |
| 130.220 | Psychiatric treatment |
| 130.230 | Crisis intervention |

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| | |
|-------------|--|
| 130.240 | Day treatment |
| 130.250 | Case management |
| 130.TABLE A | Mental Health Clinic Program Adult Service Utilization Parameters |
| 130.TABLE B | Mental Health Clinic Program Children and Adolescents Service Utilization Parameters |

AUTHORITY: Implementing and authorized by the Community Services Act (Ill. Rev. Stat. 1985 1989, ch. 91½, pars. 901 et seq.) and Section 15 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1989, ch. 91½, par. 100-15.3, as amended by P.A. 86-1324, effective September 6, 1990).

SOURCE: Adopted at 12 Ill. Reg. 5356, effective March 8, 1988; emergency amendments at 14 Ill. Reg. 18100, effective October 19, 1990, for a maximum of 150 days; Emergency Expired March 18, 1991; amended at 15 Ill. Reg. 8882, effective June 10, 1991.

SUBPART A: GENERAL PROVISIONS

Section 130.10 Purpose

a) The requirements set forth in this Part establish criteria for participation by providers who voluntarily elect to participate in the mental health clinic program. The mental health clinic program shall include the provision of specific mental health services pursuant to Subpart D, supported financially in whole or in part by the Department of Mental Health and Developmental Disabilities, the Department of Children and Family Services (DCFS) and by Medicaid (42 U.S.C.A. 1396 et seq., 1983) for grants to states for medical assistance eligible clients, under the Illinois medical assistance program (89 Ill. Adm. Code 140); (Medical Payment) administered by the Department of Public Aid.

b) These requirements are for the purpose of assuring that clients receiving mental health clinic services shall receive quality services in accordance with this Part and in accordance with 42 CFR 440 and 456, 1987; ~~with no later amendments or editions, 1989~~ for Medicaid-eligible clients.

c) The Department shall use these requirements to certify, recertify, and periodically review providers participating in the mental health clinic program including the certification and recertification of the provider's eligibility for approval and enrollment in the Illinois medical assistance program by the

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Department of Public Aid (89 Ill. Adm. Code 140), (Medical Payment).

- d) The mental health clinic program shall include assessment, treatment, and rehabilitative services for individuals who require mental health services. This shall include services designed to benefit individuals:

- 1) With current symptoms of mental illness who require an assessment to determine the need for mental health treatment and/or rehabilitation;
- 2) Who are assessed to require medically necessary mental health treatment and/or rehabilitation services, to promote growth and/or maintenance of independent role functioning; and
- 3) Who are experiencing a substantial change/deterioration in independent role functioning, a high level of personal distress, and who require crisis intervention services to achieve stabilization.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.11 Incorporation by reference

Any rules or standards of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified and do not include any later amendments or editions.

(Source: Added at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.15 Clients' rights

- a) The rights of recipients of mental health services, in the public as well as the private sector, are set forth in Sections 2-100 through 2-111 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1985 1989, ch. 91, pars. 2-100 through 2-111).
- b) The observation and protection of clients' rights, as specified in the statute cited in subsection (a), are applicable to all Sections of this Part.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.20 Definitions

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"Certification." Initial and recertification of the eligibility of a provider to participate in the mental health clinic program and to provide mental health services. Certification is issued by the Department upon a determination of compliance with this Part, in accordance with Subparts B, C, and D. Certification must be issued by the Department prior to enrollment with the Department of Public Aid as a Medicaid provider in order to provide Medicaid reimbursable mental health services. Enrollment as a Medicaid provider is issued by the Department of Public Aid on receipt of a letter of certification by the Department and on determination of compliance with 89 Ill. Adm. Code 140.11 by the Department of Public Aid.

"Client." An individual who is Medicaid-eligible and is receiving mental health services financially supported in whole or in part by the Department of Mental Health and Developmental Disabilities (Ill. Rev. Stat. 1985 1989, ch. 91, par. 1-123), or DCFS, or-by Medicaid.

"Certification." Initial and annual certification of the eligibility of a provider to participate in the mental health clinic program and to provide mental health services. Certification is issued by the Department upon a determination of compliance with this Part, in accordance with Subparts B, C, and D. Certification must be issued by the Department prior to enrollment with the Department of Public Aid as a Medicaid provider in order to provide Medicaid reimbursable mental health services. Enrollment as a Medicaid provider is issued by the Department of Public Aid on receipt of a letter of certification by the Department and on determination of compliance with 89 Ill. Adm. Code 140.11 by the Department of Public Aid.

"Code." The Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91, par. 1-100 et seq.).

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1989, ch. 91, par. 801 et seq.).

"Day." A calendar day unless otherwise indicated.

"Department." The Illinois Department of Mental Health and Developmental Disabilities.

"Director." The Director of the Illinois Department of Mental Health and Developmental Disabilities or his/her designee.

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"Enrollment." The official enrollment of a certified provider in the medical assistance program by the Department of Public Aid on determination of compliance with 89 Ill. Adm. Code Section 140.11, of 89-III-Adm-Code-140-Medical-Payment.

"Guardian." The court-appointed guardian or conservator of the person and/or estate under the Probate Act of 1975 (Ill. Rev. Stat. 1985 1989, ch. 110, par. 1-1 et seq.) or a temporary custodian or guardian of the person of a child appointed by an Illinois juvenile court or a legally-appointed guardian or custodian or other party granted legal care, custody and control over a minor child by a juvenile court of competent jurisdiction located in another state whose jurisdiction has been extended into Illinois via the child's legally authorized placement in accordance with the applicable Interstate compact. (The Juvenile Court Act of 1987 (Ill. Rev. Stat. 1989, ch. 37, pars. 802-1 to 802-31); Interstate Compact on the Placement of Children (Ill. Rev. Stat. 1989, ch. 23, par. 2601 et seq.))

"Individual treatment plan (ITP)." A written document based on a comprehensive assessment which identifies the array of services required to meet the individual's medical, psychological, social, emotional, physical, vocational, or other specialized mental health needs.

"Level of role functioning." For adults, refers to the client's level of functioning in everyday community life in the three critical areas of-----life-----functioning; including: vocational/educational productivity, independent living and self-care, and social network relationships, r--es--assessed utilizing the Global Assessment of Functioning Scale (GAF Scale); contained in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition revised, (DSM-III-R), American Psychiatric Association, (1987 edition) or the Children's Global Assessment Scale (CGAS Scale) as published in the Archives of General Psychiatry, Volume 40, November 1983, pp. 1228-1231.

"Medicaid." Medical assistance issued by the Illinois Department of Public Aid under the provisions of Title XIX of the Social Security Act (42 U.S.C.A. 1396 et seq., 1983), for eligible recipients including Aid to the Aged, Blind and Disabled (AABD),

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Aid to Families with Dependent Children (AFDC), Medical Assistance No Grant (MANG), Refugee Repatriate Program (RRP) recipients as well as Title XIX eligible Department of Children and Family Services (DCFS) wards.

"Medicaid clinic option (MCO)." Refers to clinical services, as defined in 42 CFR 440.90, 1989, that at the option of the State may be included in the Medicaid State Plan as covered services for Medicaid clients.

"Mental health clinic program." Assessment, treatment and rehabilitative services provided on an outpatient basis by a certified provider under a contractual agreement with either the Department or DCFS. These services are supported financially in whole or in part by the Department or DCFS and are also included under the Illinois medical assistance program (89 Ill. Adm. Code 140) for eligible clients and are, therefore, reimbursable under Medicaid. Providers must be certified by the Department and also be enrolled with and be approved by the Department of Public Aid as a Medicaid provider in order to provide the Medicaid reimbursable mental health services.

"Mental health professional (MHP)." A mental health professional (MHP) who provides services under the supervision of a qualified mental health professional(s), as defined below, in providing mental health clinic services specified in Subpart D of this Part to a client and his/her family, as necessary. The mental health professional must possess a bachelor's degree, a practical nurse license pursuant to the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) or have a minimum of five years supervised experience in mental health or human services. In social work, sociology, psychology, counseling, rehabilitation, or art and recreation therapy or possess a practical nurse license pursuant to Section 2 of the Illinois Nursing Act (Ill. Rev. Stat. 1986 Supp., ch. 111, par. 3402) or have a minimum of five years supervised experience in a mental health service.

"Mental health clinic program." Assessment, treatment and rehabilitative services provided on an outpatient basis by a certified provider under a contractual agreement with either the Department of Mental Health and Developmental Disabilities. These services are supported financially in whole or in part by the Department and are also included under the Illinois medical assistance program (89 Ill. Adm. Code 140). Medicaid payment for eligible clients and are, therefore, reimbursable under Medicaid. Providers must be certified by the Department and also enrolled with and be approved by the Department of Public Aid as a Medicaid

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provider in order to provide the Medicaid-reimbursable mental health services.

"Mental illness." A mental or emotional disorder which substantially impairs the person's thoughts, perception of reality, emotional process, judgment, behavior, or ability to cope with the ordinary demands of life. For purposes of this Part, this does not include exclude individuals with a primary diagnosis of alcoholism, drug dependence, or mental retardation as the primary diagnosis. A who have a need for mental health services. diagnosis rendered and signed by the physician shall be sufficient validation of the presence of a mental illness.

"Provider." Any corporation, governmental entity or other legal entity certified as a provider by the Department; to provide mental health clinic services in accordance with this Part.

"Physician direction." Direction of treatment by a physician licensed pursuant to Section 9 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1985 1989, ch. 111, par. 4403 4400-1 et seq.), including:

The assumption of professional responsibility by the physician for mental health services; and

The physician's formulation of, approval or involvement in each client's individual treatment plan within 30 days (tentative) from the date of initial treatment and service provision completing the mental health assessment. To meet this requirement a physician must see the client at least once, prescribe the type of care provided, and if the services are not limited by the prescription, periodically review the need for continued care.

"Physician services." The mental health clinic services which must be provided directly by a physician licensed pursuant to Section 9 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1985, ch. 111, par. 4403) are psychiatric evaluation and psychotropic medication prescription and review.

"Provider." Any corporation, governmental entity or other legal entity certified as a provider by the Department to provide mental health clinic services in accordance with this Part that have a contract with either the Department or DCS and are enrolled as a Medicaid provider by the Department of Public Aid.

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"Qualified mental health professional (QMHP)." A certified, registered or licensed mental health professional who provides services under the mental health clinic program. A QMHP must meet one of the following criteria and in addition, all qualified mental health professionals must have a minimum of one year of work experience in a mental health setting. One of the following:

A psychologist registered pursuant to Section 3 of the Psychologist Registration Act (Ill. Rev. Stat. 1985, ch. 111, par. 5303);

A certified social worker registered pursuant to Section 4 of the Social Worker's Registration Act (Ill. Rev. Stat. 1985, ch. 111, par. 6304);

A registered nurse licensed pursuant to Section 2 of the Illinois Nursing Act (Ill. Rev. Stat. 1986 Supp., ch. 111, par. 3402);

An occupational therapist registered pursuant to Section 3 of the Occupational Therapy Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 3703); and

An individual who holds a master's degree or higher in psychology, sociology, counseling or a related field, and who is certified or registered by the Commission for Rehabilitation Counselor Certification, the National Board of Certified Counselors, or the National Academy of Clinical Mental Health Counselors or a national or state certification board or commission, which credentials practitioners on the basis of education and training, work experience, and examination.

A physician licensed under the Medical Practice Act of 1987 to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness, or specialized training (the treatment of children and adolescents);

A psychiatrist (a physician licensed under the Medical Practice Act of 1987) who has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association, or other training program identified as equivalent by the Department;

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A psychologist licensed under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.) with specialized training in mental health services:

An individual possessing a master's degree in social work licensed under The Clinical Social Work and Social Work Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq.) with specialized training in mental health services.

A registered nurse licensed pursuant to The Illinois Nursing Act of 1987 with at least one year of clinical experience in a mental health setting or a master's degree in psychiatric nursing;

An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.) with at least one year of clinical experience in a mental health setting; and

An individual possessing a master's or doctorate degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling, or family therapy, or related field who has successfully completed a practicum and/or internship which includes a minimum of 1,000 hours, or has one year of clinical experience under the supervision of a qualified mental health professional.

"Skills development and training." Skills which are required by an individual in order to achieve independent functioning and emotional stability. The skills are developed through training activities with a focus on interpersonal and daily living skills, including:

Conversational skills;

Dating and sexual appropriateness skills;

Medication self-management;

Money management and entitlement acquisition;

Self-care skills and self-preservation in emergency situations;

Use of public transportation and other community resources.

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(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)
Section 130.30 Application and certification process

a) Any corporation, or governmental entity or other legal entity may apply for certification as a provider, in the mental health clinic program. This shall include the certification of the eligibility of the provider. Successful applicants will be certified by the Department for the approval of and enrollment enrolled of the as a provider in the Illinois medical assistance program by the Department of Public Aid, pursuant to Section 140-11-of 89 Ill. Adm. Code 140.11-Medicaid-payment.

b) A prospective provider which elects to be certified as a provider shall submit an application to the Department of Mental Health and Developmental Disabilities on forms prescribed by the Department. A prospective provider which elects to be certified as a provider shall submit an application to the Department on form DMHDD-1218, "Application for Certification to Participate in the Medicaid Clinic Option Program". Applicants licensed by DCFS, which provide services to emotionally disturbed children and adolescents who are DCFS wards shall submit applications to DCFS. DCFS is authorized to perform the functions ascribed to the Department by this Part in relation to child care facilities licensed by DCFS with the exception of issuance, suspension, and termination of certification.

c) Applications may be obtained by submitting a request in writing to: Department of Mental Health and Developmental Disabilities, Bureau of Certification and Licensure, 4201 North Oak Park Avenue, Chicago, IL 60634 or to the Department of Children and Family Services, Bureau of Regulatory Enforcement, 406 East Monroe Street, Springfield, IL 62701.

Illinois Department of Mental Health
and Developmental Disabilities
401 South Spring Street
Springfield, IL 62706
Attention: Mental Health Clinic Program Certification

d) The applicant shall submit a completed application form DMHDD-1218, a copy of the quality assurance utilization review plan pursuant to Section 130.140 (a)-(1), and the applicant's audit for the preceding year, if the Department has not received an annual audit pursuant to 59 Ill. Adm. Code 103 (Grants) and documentation of all other components described in subsection (g) below.

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e) Applications which are missing any of the components specified in subsections (d) above and (g) below shall be returned to the applicant after within 20 working days from the receipt of the application. The Department or DCFS will request the missing component(s) from the applicant and hold the incomplete application packet for no more than 20 working days from the date of receipt of the application.

f) Applications which are complete for a review of compliance shall be reviewed against the administrative provider requirements described in subsection (d) above, and for minimum requirements for certification described in subsection (g) below (Subpart B) and service standards (Subpart B) of this Part as follows:

1) The Department may grant a waiver of the requirements specified in Sections 130.80, 130.90, 130.100 and 130.130 to applicants who which are fully accredited by the Joint Commission on the Accreditation of Health Care Organizations Hospitals and or the Commission on Accreditation of Rehabilitation Facilities, or Accreditation Council on Services for People with Developmental Disabilities, or the Council on Accreditation of Services for Families and Children, or the Department of Alcoholism and Substance Abuse, or applicants licensed by DCFS with no substantial contingencies in the areas covered by the waiver.

2) If this an application to the Department is in compliance with this Part and meets the requirements of subsections (d) above and (g) below, the Department shall perform the requirements of an on-site review; shall issue a letter of certification and send the Medicaid provider enrollment form. If an application to DCFS is in compliance with this Part and meets requirements of subsections (d) above and (g) below, DCFS will certify to the Department the eligibility of the applicant for participation in the MCO. The Department then shall issue a letter of certification and send the Medicaid provider enrollment form. An on-site review will consist of a survey for compliance with the requirements of Subparts B and B- For Sections 130.80, 130.90, 130.100, 130.110, 130.120, 130.130, 130.140, 130.150, 130.160, 130.170, 130.180, 130.190, 130.200, 130.210, 130.220, 130.230, 130.240, 130.250, 130.260, 130.270, 130.280, 130.290, 130.300, 130.310, 130.320, 130.330, 130.340, 130.350, 130.360, 130.370, 130.380, 130.390, 130.400, 130.410, 130.420, 130.430, 130.440, 130.450, 130.460, 130.470, 130.480, 130.490, 130.500, 130.510, 130.520, 130.530, 130.540, 130.550, 130.560, 130.570, 130.580, 130.590, 130.600, 130.610, 130.620, 130.630, 130.640, 130.650, 130.660, 130.670, 130.680, 130.690, 130.700, 130.710, 130.720, 130.730, 130.740, 130.750, 130.760, 130.770, 130.780, 130.790, 130.800, 130.810, 130.820, 130.830, 130.840, 130.850, 130.860, 130.870, 130.880, 130.890, 130.900, 130.910, 130.920, 130.930, 130.940, 130.950, 130.960, 130.970, 130.980, 130.990, 130.1000, 130.1010, 130.1020, 130.1030, 130.1040, 130.1050, 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130.2060, 130.2070, 130.2080, 130.2090, 130.2100, 130.2110, 130.2120, 130.2130, 130.2140, 130.2150, 130.2160, 130.2170, 130.2180, 130.2190, 130.2200, 130.2210, 130.2220, 130.2230, 130.2240, 130.2250, 130.2260, 130.2270, 130.2280, 130.2290, 130.2300, 130.2310, 130.2320, 130.2330, 130.2340, 130.2350, 130.2360, 130.2370, 130.2380, 130.2390, 130.2400, 130.2410, 130.2420, 130.2430, 130.2440, 130.2450, 130.2460, 130.2470, 130.2480, 130.2490, 130.2500, 130.2510, 130.2520, 130.2530, 130.2540, 130.2550, 130.2560, 130.2570, 130.2580, 130.2590, 130.2600, 130.2610, 130.2620, 130.2630, 130.2640, 130.2650, 130.2660, 130.2670, 130.2680, 130.2690, 130.2700, 130.2710, 130.2720, 130.2730, 130.2740, 130.2750, 130.2760, 130.2770, 130.2780, 130.2790, 130.2800, 130.2810, 130.2820, 130.2830, 130.2840, 130.2850, 130.2860, 130.2870, 130.2880, 130.2890, 130.2900, 130.2910, 130.2920, 130.2930, 130.2940, 130.2950, 130.2960, 130.2970, 130.2980, 130.2990, 130.3000, 130.3010, 130.3020, 130.3030, 130.3040, 130.3050, 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130.1006, 130.1007, 130.1008, 130.1009, 130.1010, 130.1011, 130.1012, 130.1013, 130.1014, 130.1015, 130.1016, 130.1017, 130.1018, 130.1019, 130.1020, 130.1021, 130.1022, 130.1023, 130.1024, 130.1025, 130.1026, 130.1027, 130.1028, 130.1029, 130.1030, 130.1031, 130.1032, 130.1033, 130.1034, 130.1035, 130.1036, 130.1037, 130.1038, 130.1039, 130.1040, 130.1041, 130.1042, 130.1043, 130.1044, 130.1045, 130.1046, 130.1047, 130.1048, 130.1049, 130.1050, 130.1051, 130.1052, 130.1053, 130.1054, 130.1055, 130.1056, 130.1057, 130.1058, 130.1059, 130.1060, 130.1061, 130.1062, 130.1063, 130.1064, 130.1065, 130.1066, 130.1067, 130.1068, 130.1069, 130.1070, 130.1071, 130.1072, 130.1073, 130.1074, 130.1075, 130.1076, 130.1077, 130.1078, 130.1079, 130.1080, 130.1081, 130.1082, 130.1083, 130.1084, 130.1085, 130.1086, 130.1087, 130.1088, 130.1089, 130.1090, 130.1091, 130.1092, 130.1093, 130.1094, 130.1095, 130.1096, 130.1097, 130.1098, 130.1099, 130.1100, 130.1101, 130.1102, 130.1103, 130.1104, 130.1105, 130.1106, 130.1107, 130.1108, 130.1109, 130.1110, 130.1111, 130.1112, 130.1113, 130.1114, 130.1115, 130.1116, 130.1117, 130.1118, 130.1119, 130.1120, 130.1121, 130.1122, 130.1123, 130.1124, 130.1125, 130.1126, 130.1127, 130.1128, 130.1129, 130.1130, 130.1131, 130.1132, 130.1133, 130.1134, 130.1135, 130.1136, 130.1137, 130.1138, 130.1139, 130.1140, 130.1141, 130.1142, 130.1143, 130.1144, 130.1145, 130.1146, 130.1147, 130.1148, 130.1149, 130.1150, 130.1151, 130.1152, 130.1153, 130.1154, 130.1155, 130.1156, 130.1157, 130.1158, 130.1159, 130.1160, 130.1161, 130.1162, 130.1163, 130.1164, 130.1165, 130.1166, 130.1167, 130.1168, 130.1169, 130.1170, 130.1171, 130.1172, 130.1173, 130.1174, 130.1175, 130.1176, 130.1177, 130.117

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2) The Department or DCFS shall notify the applicant in writing of its determination regarding certification verification within 40 working days following the completion of the on-site review.

1) If the on-site review confirms compliance with the requirements of this Part, the Department or DCFS as applicable, shall issue a so state in a letter of certification within 40 working days from the date of completion of the on-site review and the Department of Public Aid shall issue the Medicaid enrollment forms. To maintain certification, full compliance with at least all items in subsections (d) and (g) is required. A plan of correction shall be submitted for deficiencies identified in other actions of Subparts B, C and D.

2) If the on-site review does not confirm compliance with the requirements of this Part, the Department or DCFS shall notify the applicant in writing of the deficiencies within 40 working days from the date of completion of the on-site review. The applicant shall have 60 working days from the postmark date of the letter outlining the deficiencies to correct the deficiencies and supply the new information to the Department. If the applicant does not satisfactorily respond to the deficiencies within 60 working days, the Department shall refuse to issue certification revoke the applicant's certification.

h) 1) If certification has been refused revoked, the applicant may appeal the Department's decision and request a hearing and initiate further action pursuant to Section 130.60 and Section 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985 1989, ch. 127, par. 1010).

k) Billings for services rendered under the MCO must be submitted by a provider to the Department or DCFS in the manner required by each of the Departments.

1) Applicants whose certification has been revoked are liable for disallowances from claims filed under certification and subsequently disallowed under audit by the U.S. Health Care Financing Administration.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)
Section 130.40 Recertification and annual review

a) The Department shall recertify enrolled providers annually.

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1) Thirty days prior to the anniversary date of certification, the provider shall submit to the Department or DCFS:

A) A statement signed by the administrator of the organization that the provider continues to meet all requirements of this Part; and

B) A summary of the quality assurance reviews utilization review activities.

2) Providers shall also submit to the Department with which they contract a one copy of the annual audit report for the preceding fiscal year pursuant to Section 130.110, if an annual audit has not already been received by the appropriate Department. pursuant to 59-111-Adm--Code-103.

b) Reviews

1) The Department shall conduct annual reviews of providers certified under this Part to enforce compliance with the provisions of this Part and to recertify the provider.

2) The Department shall be granted access to all clinic facilities and service areas. Client records and all other records shall be made available to the Department, on request, during the annual review required by this Section, in accordance with the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1985, ch. 91 1/2, pars. 801 et seq.).

1) The Department or DCFS shall conduct a second full compliance review within 12 months of the initial certification date of providers certified under this Part to recertify the provider.

2) Subsequent to this recertification, the Department or DCFS shall conduct a full compliance review every three years to enforce compliance with the provisions of this Part and to recertify the provider.

3) The Department or DCFS shall conduct focused compliance reviews of providers on those Sections or subsections cited as not in compliance with the program requirements as stated in the immediate prior compliance review. These focused reviews shall be conducted each year of the two-year period between full compliance reviews.

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- 4) The Department or DCFS shall be granted access to all clinic facilities and service areas. Client records and all other records shall be made available to the Department or DCFS, on request, during the annual review initial compliance survey, focused review and three-year full compliance survey required by this Section, in accordance with the Mental Health and Developmental Disabilities Confidentiality Act (410 ILCS 105/1-9; 910 ILCS 105/1-9; 801 ILCS 105/1-9).

- c) The provider shall notify the Department or DCFS in writing of any changes in policies or procedures required in this Part within 30 days prior to implementation of the proposed change(s).

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.51 Termination of certification

Failure to comply with the following during a certification period shall result in the certified provider being issued a termination of its certification:

- a) Meets any of the grounds for termination set forth in 89 Ill. Adm. Code 140.16;
- b) Discontinuance of delivery of all mental health clinic services for which the provider has been certified;
- c) Has been convicted under Article VIII A of the Illinois Public Aid Code (Ill. Rev. Stat. 1985 1989, ch. 23, par. 8A-1 et seq.).

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.60 Certification appeal criteria and process

- a) Grounds for appeal by the provider are:

- 1) Determination of non-compliance with this Part;
- 2) Refusal to issue certification;
- 3) Refusal to issue recertification;
- 4) Suspension of mental health clinic service delivery;
- 5) Termination of mental health clinic service delivery.

- b) Certification appeal criteria and process

- 1) If the Department determines that certification or the annual recertification should not be issued or that certification should be suspended or terminated during a certification period because of non-compliance with this Part, the Department shall send, by registered mail, written notice to the applicant or the certified provider within 30 working days of the determination. The notice shall contain the specific requirements the provider has not complied with and the Department's proposed action as follows:

- A) If the applicant or certified provider chooses to appeal the Department's decision, the applicant or provider shall submit a written request for a hearing to the Department within 20 working days of the date of receipt of the notice.

- B) If an appeal is initiated by a certified provider, services shall be continued pending a final administrative decision.

- C) If the applicant or certified provider does not submit a request for a hearing, as provided in this Part or if after conducting the hearing the Department determines that the certification or recertification should not be issued or that the certification should be suspended or terminated, the Department shall issue an order to that effect. If the order is to suspend or terminate the certification, it shall specify that the order takes effect upon receipt by the certified provider, and that the provider shall not provide mental health clinic services during the pendency of any proceeding for judicial review of the Department's decision, except by court order.

- 2) The Department shall schedule a hearing within 20 working days of receipt of the request for appeal. The applicant or the provider and the applicant's or provider's representative, hereinafter referred to as the appellant, shall be notified by registered mail at least 10 working days before the hearing. The notice of hearing shall include:

- A) The date, time, and place of the hearing;
- B) The legal authority to hold the hearing;
- C) The reference to the particular sections of the statutes or rules involved; and

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- D) A short statement of the matters asserted.
- 3) Each hearing shall be conducted at a time, date and place reasonably convenient to the appellant.
- 4) The hearing shall be conducted by an impartial hearing officer, who is a Department employee, authorized by the Department Director to conduct such hearings. The officer shall not have participated in the decision under appeal.
- 5) The hearing officer, at his/her sole discretion, may grant continuances of the hearing, not to exceed two, at the request of either the appellant or the Department.
- 6) The Department shall tape record the hearing. A copy of the recording shall be given to the appellant if the appellant so requests no later than five working days after the hearing officer makes his/her decision. The appellant must request a copy of the recording no later than 72 hours after receipt of the decision, if a copy is so desired. The Department shall charge the appellant for the cost of the tape.
- 7) At the hearing, the Department and the appellant may present evidence orally and in writing and may present arguments. The hearing officer shall observe the rules of evidence in accordance with Section 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1012).
- 8) Gross-examination of witnesses shall not be permitted under any circumstances, but any party may ask questions of any other party for information purposes only.
- 9) The Department shall have the burden of proving that there was substantial evidence of non-compliance with these standards. At the hearing, the Department shall present its evidence first, then the appellant shall present evidence.
- 7) At the hearing both parties may present written and oral evidence. The appellant may be represented by the person of his or her choice. The Department shall have the burden of proving that there was substantial evidence of non-compliance with these standards. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion. The Department shall present its evidence first, then the appellant shall present evidence.
- 8) Evidence

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- A) The hearing officer shall not be bound by the rules of evidence or procedure, but shall conduct the proceedings in a manner that ensures both parties are allowed to present their evidence and arguments fully and freely.
- B) Any party or representative may ask questions of any other party or witness, and the hearing officer may ask questions of any other party or witness. Questions impeaching the witness's character or credentials shall be improper.
- 10) The hearing officer shall only consider evidence presented at the hearing in making his/her decision as to whether or not the Department sustained its burden of proof. The hearing officer shall uphold, reverse or modify the Department's decision or determine that the Department lacks jurisdiction. Within five working days after the hearing, the hearing officer shall submit his/her written decision, which shall include a statement of facts concerning the appeal and conclusions to the Department. A copy of the decision shall be sent to the appellant at the same time it is submitted to the Department.
- 11) In the event the appellant does not appear at the hearing, the appeal shall be deemed abandoned and shall be dismissed by the hearing officer. The hearing officer shall send written notice of the dismissal to the appellant.
- 12) If the appellant is not satisfied with the hearing officer's decision, the appellant may request a review of the decision by the Director, or his/her designee. The request must be made in writing to the Director or his/her designee no later than 10 working days after the appellant has received a copy receipt of the hearing officer's decision. The request shall briefly state the appellant's specific objections to the decision.
- 13) The record shall include those items required by Section 11 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985 1989, ch. 127, par. 1011).
- 14) Upon receipt of the request for review, the Director or his/her designee shall review the hearing officer's

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decision and the record of the hearing. request copies of all documents considered at the hearing and the recording of the hearing. The Director or his/her designee may also request additional oral or written evidence and arguments from both sides. If the Director or his/her designee requests additional testimony or argument, written notice shall be given to the appellant at least 10 working days before the additional testimony or arguments. After consideration of all the evidence, the Director or his/her designee shall issue a written decision upholding, reversing, modifying or remanding the hearing officer's decision and setting forth the facts of the appeal and the bases for the decision. The Director or his/her designee shall issue a decision within 20 working days after receipt of the request for review, and copies shall be sent to the appellant. The Director shall uphold the decision if he or she determines that the procedures set out in this Section were properly followed and that the decision was supported by substantial evidence. The Director's or his/her designee's review decision shall constitute a final administrative review decision.

- 15) 14) Final administrative decisions shall be subject to judicial review exclusively as provided in the Administrative Review Law (Ill. Rev. Stat. 1985 1989, ch. 110, par. 3-101 et seq.).

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.70 Rate setting

- a) The amount approved for payment for mental health clinic services shall be based on the type and amount of service required by and actually delivered to a client. The amount is determined in accordance with the prospective rates developed by the Department and as adopted by the Department of Public Aid for Medicaid reimbursable services.
- b) Rates shall be prospective and shall be generated through the application of the methodologies described in this Section. Each category of service shall have a specific rate which shall be calculated and determined annually, for accounting for the difference between the prospective rate and the actual cost between fiscal years, and reflected in the new rate. The methodology shall be applied uniformly and consistently within each treatment service category as follows:

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- 1) Services such as psychiatric evaluation, mental health assessment and psychological evaluation shall be reimbursed at an all-inclusive per evaluation/assessment rate.
- 2) Services such as individual, group, and family therapy, psychotropic medication prescription, review, monitoring and training, crisis intervention and case management shall be reimbursed at an all-inclusive per client-hour rate payable to the nearest quarter hour.
- 3) Day treatment services such as intensive stabilization and extended treatment and rehabilitation shall be reimbursed at an all-inclusive per client-day rate payable for a four hour period or payable to the nearest hour, e.g. at one-quarter of the day rate for clients who do not receive the full four hours of service. No more than one client day, i.e., a four hour period, shall be reimbursed for any client during any 24-hour period. A day treatment service shall not be reimbursed in combination with any individual, group, or family therapy service in a 24-hour period.
- c) The total rate for each service category reimbursable under the mental health clinic program, shall be based on:
- 1) The statewide median for salary and fringe benefits of direct service staff who provide mental health clinic services; and
- 2) The statewide median ratio of the total program/service cost to the salaries and fringe benefits of the direct service staff who provide mental health clinic services.
- d) The Department shall submit to the Department of Public Aid all rate methodologies and/or revisions to existing rate methodologies for the Department of Public Aid's authorization for the mental health clinic services reimbursed under the medical assistance program (89 Ill. Adm. Code 140, Medical Payment).
- e) The Department shall submit to the Department of Public Aid, 30 days prior to the beginning of the fiscal year, all rates for the mental health clinic program services reimbursed under the medical assistance program (89 Ill. Adm. Code 140, Medical Payment).
- a) The Department will compute rates for services which may be reimbursed under the MCO program. The rates will be computed each state fiscal year and will be effective 30 days after approval is received from the Department of Public Aid. The rates shall be in effect for one year.

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- b) Reimbursement rates will be the product of hourly payment rates and services units designated as fractions or multiples of service hours as indicated in Section 130.TABLE A and Section 130.TABLE B.
- c) An hourly payment rate under the MCO program will be the sum of hourly rate factors for:
- 1) Direct care staff: Salaries and wages are computed on an hourly basis for staff who provide billable services.
 - 2) Non-direct care expenses: Total provider agency expenses, less direct care staff wages, salaries and paid benefits.
 - 3) Employee benefits: Paid benefit expenses for direct care staff.
 - 4) Employee benefit time: Direct care staff paid benefit time (vacation, personal days, and sick time).
 - 5) Case preparation: Work time direct care staff spend preparing for and/or documenting billable services for Medicaid clients.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section 130.80 Governing body or board Organizational structure

- a) The provider shall have a governing body or board which has overall responsibility for its operation and the establishment of general principles and policies underlying the management of resources and the provision of the mental health clinic programs.
- b) A policy-making board is required and must represent the community to be served. To this end, it is recommended that at least one-third of the board members be unrelated to the recipients being served by the provider. Where multiple community areas (Chicago) or counties (downstate) are included in one planning area, board representation from all communities and counties is encouraged. Geographic, social, cultural, and economic interests should be represented, and participation by professional, lay people, and consumers of services is also encouraged. Provisions must be made for regular membership replacement. Providers are required to annually provide the Department with a current listing of board membership.

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- e) A listing of governing body or board membership shall be:
- 1) Available to public funding bodies and other interested parties; and
 - 2) Updated whenever changes occur in the composition.
- d) The governing body or board shall establish bylaws, rules and regulations subject to examination during certification which shall:
- 1) Describe the method of selecting members, specifying the conditions and terms of tenure, and the rotation of members;
 - 2) Specify the conditions under which a conflict of interest may exist for members and establish policies and procedures to address such situations. To avoid conflict of interest, boards cannot include salaried staff members of Department-funded providers; immediate relatives of salaried staff members of Department-funded providers, or Department staff. Staff members of other governmental agencies, nursing and shelter care homes or any other provider which is a component of the Department-funded service network are not eligible for board membership, if their working responsibilities are related to a management, funding, policies, or development of mental health services. Exceptions to this policy may be made in unique situations for salaried staff members of Department-funded providers and their immediate relatives. All such exceptions require written justification and prior written approval by the Department. Exceptions for Department staff also require the prior written approval of the Director. Exceptions will be made for individuals if they can provide a unique contribution to the board that cannot otherwise be obtained, such as broad representation and area of expertise; and have no responsibility for funding decisions relative to the provider. Affected parties will be notified in writing.
 - 3) Specify the frequency of meetings including, at a minimum, quarterly meetings and ensure that minutes of meetings are prepared and available for review by requesting funding bodies and provider personnel; and
 - 4) Provide for the selection and employment of an executive director.

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- e) A table of organization shall be developed and shall be reviewed and updated, as necessary, indicating the major operating programs or functional units of the provider.
- f) The governing body or board shall develop program objectives and annually review operations against such objectives, preparing a written report of its findings and recommendations. Program objectives will be modified to incorporate recommendations.
- g) The governing body or board shall set criteria to evaluate the performance of the executive director and annually shall review the executive director's performance, documenting its findings.
- h) The governing body or board shall provide for the orientation of its members by communicating to them the following:
- 1) Goals and objectives;
 - 2) Program information and outcomes;
 - 3) Staff compositions;
 - 4) Community network relationships;
 - 5) Administrative practices and personnel policies; and
 - 6) Provider rules and regulations.

- a) The administrative organization shall promote effective operation of the various programs and agencies in a manner consistent with all applicable state laws, regulations, and adopted procedures.
- b) There shall be clear written policy guidelines for decision-making and program operations and provision for monitoring the same.
- c) The provider shall have written provisions for ensuring against a range of liabilities.
- d) There shall be written provisions for orientation and continuing education of, and ongoing communication with, all applicable governing boards.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. _____, effective June 10, 1991.)

Section 130.90 Policies and procedures (Repealed)

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- a) The provider shall have a written statement of its philosophy, mission, and goals which the governing body or board shall approve and review annually. This statement shall be available to provider personnel, clients and to the general public for review.
- b) The provider shall have a written statement, which annually shall be reviewed and revised, to describe:
- 1) The geographic service area and the target population, specifying the disability(s) and age group(s) served;
 - 2) The array of services to be provided, the mode of service delivery, access to services and the projected outcomes.
- c) The provider shall have clearly stated policies and procedures for all aspects of operation contained in a policies and procedures manual(s) which shall be reviewed annually, revised, as necessary, and available to agency personnel for review.
- d) At a minimum, the policies and procedures manual shall address the following areas of organizational functions and general service delivery:
- 1) Management information system;
 - 2) Personnel administration;
 - 3) Fiscal administration and liability insurance;
 - 4) Service facilities (environment, sanitation and food handling);
 - 5) Recordkeeping;
 - 6) Staff supervision and development;
 - 7) Quality assurance;
 - 8) Continuity and coordination of service;
 - 9) Psychotropic medication;
 - 10) Confidentiality;
 - 11) Client's rights, appeal(s) and grievance(s); and

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- 12) External relationships with state-operated facilities providing services to mentally ill individuals; with private psychiatric hospitals; and other entities with whom the provider has a working relationship.

(Source: Repealed at 15 Ill. Reg. 8882, effective June 10, 1991.)

Section 130.100 Personnel and administrative recordkeeping

- a) The provider shall establish employment practices and conditions which annually shall be reviewed and revised, to include:

- 1) A written job description or a contractual agreement for each position (including consultant and direct service volunteer positions) reflected in the table of organization. Each job description, at a minimum, shall list the job title, duties and responsibilities, minimum experience, minimum educational requirements, immediate supervisory position, immediate subordinate(s) position(s), and the salary classification and/or range of salary;

- 2) A compensation plan and salary scale related to remuneration and fringe benefits which may include holidays, vacations, sick leave and leaves of absence, promotions, method and periods of payment, travel, retirement plans, annuities, and personal injury and malpractice liability coverage;

- 3) A plan for the selection and retention of employees and grievance procedures; and

- 4) A personnel coverage plan setting criteria to assure that the therapeutic and life safety needs of clients are met during planned or unplanned absences of regular personnel.

- b) The provider shall comply with the following applicable federal, state and local statutes pertaining to equal employment opportunity, affirmative action, and other related requirements: 42 U.S.C.A. 2000e, 1981; 29 U.S.C.A. 203 et seq.; 1982; 111 Rev. Stat. 1985, ch. 66, pars. 101 et seq.

- c) The provider shall review the performance of personnel annually with the participation of the employee(s). A written report shall be included in the personnel record with a signed statement by the employee of agreement/disagreement with the performance evaluation.

- d) All personnel records shall be maintained on a current basis and shall include:

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- 1) The employment application;
- 2) Verification of relevant academic degrees, experience and previous employment for at least the last five-year period, and, if applicable, verification of licensure, certification, and/or registration;

- 3) All written job performance evaluations;

- 4) Records of health examinations when employed and as specified by the provider; and

- 5) A signed statement indicating that the employee has reviewed the established personnel policies and procedures; the job description; the provider's rules and regulations; the statement of philosophy and the Mental Health and Developmental Disabilities Code (111 Rev. Stat. 1985, ch. 91, pars. 1-100 et seq.) and the Mental Health and Developmental Disabilities Confidentiality Act (111 Rev. Stat. 1985, ch. 91, pars. 801 et seq.) which govern the delivery of mental health services.

- e) Personnel files shall be maintained in a confidential manner and shall be available for review by the employee or by an employee's representative who is designated in writing (111 Rev. Stat. 1985, ch. 48, pars. 2001 et seq.).

- a) The provider shall have a comprehensive set of personnel policies and procedures. Personnel policies and procedures include but are not limited to:

- 1) Job descriptions and qualifications including licensure and certification shall be maintained for all staff, including physicians, who are employed either directly or by contract by the provider or by an agency contracting with the provider or program.

- 2) A provider shall have provisions for ensuring that staff or contractees possess the skills and knowledge needed to perform job functions, and at a minimum, perform annual staff evaluations.

- 3) Written job descriptions and procedures for use of all volunteers shall be maintained.

- b) The provider shall plan staff development and continuing education activities for its employees which broaden their existing knowledge

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in the field of mental health and related areas. These activities shall be related to program goals and may include support of staff attendance at conferences, university courses, visits to other agencies, use of consultants, educational presentations within the agency, assigned reading, and so forth.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.105 Program evaluation

The provider shall use a program evaluation system for purposes of determining the degree to which a program is meeting its goals and objectives.

- a) This system shall monitor quantitative characteristics such as caseload information, and qualitative characteristics, such as recipient satisfaction.
- b) The evaluation system shall include mechanisms for producing evaluation reports, which would describe the outcome of monitoring activities.
- c) These reports shall serve to interpret and summarize data into useful information, and to provide recommendations for remedial action when necessary.

(Source: Added at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.110 Fiscal and statistical

- a) Mental health clinic program services shall not be denied on the basis of the client's inability or ability to pay.
- b) The provider shall maintain a schedule of mental health clinic program fees for each service based on actual costs. Sliding fee scales shall be maintained for clients unable to pay actual costs.
- c) The provider shall comply with the following provisions regarding accounting requirements and audits:

1) Accounting requirements:

- A) Each provider shall establish and maintain a formal modified accrual accounting system in accordance with Generally Accepted Accounting Principles (GAAP) (Harcourt, Brace, Jovanovich Publishers, 1989) and the Financial Accounting Standards Board's (FASB)

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standards, interpretations and technical bulletins (1987, with no later amendments or editions) to include a level of documentation, classification of entries, and audit trails, to meet reporting requirements as prescribed by the Department in this Part, including policies and procedures regarding billing and fee collection.

- B) All accounting entries shall be supported by the specific source document generating the entry, recorded in books of original entry, and posted to a general ledger on a monthly basis.

- C) The provider shall ensure proper fiscal management including the appropriate utilization and distribution of funds, the use of mechanisms for producing financial reports and regular audits of accounts.

- E) Information about separate special funds, e.g., capital expenditures, shall be made available to the Department or DCFS on request.

- F) The provider shall record in the operating fund all funds that are received that are not restricted by the donor. Transfers of unrestricted funds shall be shown as transfers from the fund balance.

Audit requirements:

The provider shall submit an annual audit, 90 days after the end of the provider's fiscal year, to the Department. This audit shall be performed by an independent certified public accountant registered pursuant to Section 8 of the Illinois Public Accounting Act (Ill. Rev. Stat., ch. 111, par. 5508), and the resultant audit report shall be prepared in accordance with Audits of Voluntary Health and Welfare Organizations, American Institute of Certified Public Accountants (1974, with no later amendments or editions). The report shall contain the basic financial statement presenting the financial position of the agency, the results of its operations, and changes in fund balances. The report shall also contain the certified public accountant's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the certified public accountant expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason therefor shall be stated. (A report will not be

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~~accepted if the certified public accountant's opinion is qualified --or-- denied --because-- the --provider-- --placed-- an unnecessary limitation on the scope of the audit--)~~

The provider shall submit an annual audit report 120 days after the end of the provider's fiscal year, to the Department. These required audit reports shall be prepared in accordance with the current American Institute of Certified Public Accountants generally accepted auditing standards appropriate for the provider and in accordance with relevant federal single audit requirements (e.g., U.S. Office of Management and Budget Circular A-128, April 12, 1985 or Circular A-133 (Single Audit Information Service, Thompson Publishing Group, 1725 K. Street N.W., Suite 200, Washington, DC 20006)). The report shall contain all applicable statements including the basic financial statement presenting the financial position of the organization, the results of its operation, and changes and fund balances or retained earnings. The report shall contain the certified public accountant's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the certified public accountant expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason, shall be stated. (A report will not be accepted if the certified public accountant's opinion is qualified or denied because the provider placed an unnecessary limitation on the scope of the audit.)

d) The provider shall also submit, 90 120 days after the end of the provider's fiscal year, the State of Illinois Interagency Statistical and Financial Report (ISFR) to the Department.

e) The provider shall also comply with the requirements governing audits, false reporting and other fraudulent activities, pursuant to 89 Ill. Adm. Code 140.30 and 140.35 for services provided to Medicaid-eligible clients.

f) The provider may submit billings for services in a batch as prescribed by the Department or DCFS. ~~either on form BMHBP-1080 provided by the Department or on magnetic media. Whether submitted on form BMHBP-1080 or on magnetic media, the billings shall include the following:~~

- 1) The batch shall contain a claim transaction for each covered item of service provided to a client.

2) A claim transaction shall be included with a submitted batch within the fiscal year ~~six months of the date that the service was delivered and within six months of the date that the service was delivered or within 60 days of the end of the fiscal year whichever comes first.~~

3) The provider shall keep and make available such hardcopy records and source documents associated with each submitted batch as necessary to disclose fully the nature and extent of service billings included therein.

4) Each batch submitted to the Department shall be accompanied by a transmittal document providing a description of the batch (submitting provider, number of claim transactions, etc.) and a signed certification for each such batch.

g) The provider shall report to the Department or DCFS information regarding client's private insurance coverage or third party liability coverage on the claim transaction. In addition, adjustments to prior approved claims must be submitted on the claim transaction.

h) The provider shall bill non-Medicaid-eligible clients for mental health clinic program services based on the fee for service policy developed by the provider and approved by the provider's board. ~~The provider shall maintain a record of all charges and bill the Department for the rate or part of the rate, as set at Section 130-70, based on the ability of the client to pay for service as determined by the provider. The provider shall bill all other third parties prior to billing the Department for services. For Medicaid-eligible clients, the provider shall bill all other third parties prior to billing the Department or DCFS for services and shall maintain a record of all charges.~~

i) The provider shall enter into an annual contract with the Department or DCFS for the provision of the mental health clinic program services. The following elements shall be present in the annual contract:

- 1) The effective date and duration of the contract;
- 2) The types of services and service levels to be provided;
- 3) The payment rate for each type of service to be delivered;
- 4) The billing process and voucher cycle for reimbursement;

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- 5) Liability statement of contractor and contractee;
- 6) Breach of contract statement and specific acts leading to contract termination;
- 7) Termination of contract process and requirements;
- 8) Statement of compliance with this Part; and
- 9) Signature of the responsible governing body or board and the Department or DCFS.

j) Prior to the reimbursement of a provider agency, the Department of Public Aid must approve each service billing pursuant to 89 Ill. Adm. Code 140.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.120 Recordkeeping

a) The provider shall maintain, in the regular course of business, the following:

- 1) Any and all business records, which may indicate financial arrangements between the provider and other providers in the program and other entities, or which are necessary to determine compliance with this Part including but not limited to:
 - A) Business ledgers of all transactions,
 - B) Records of all payments received, including cash,
 - C) Records of all payments made, including cash,
 - D) Corporate papers, including stock record books and minute books,
 - E) Records of all arrangements and payments related in any way to the leasing of real estate or personal property, including any equipment,
 - F) Records of all accounts receivable and payable; and
 - G) Hard copy and source documents relating to the creation of the service billing files.

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- 2) Any and all client records which relate to the quality of services provided by the provider or which document the service for which payment is claimed.
- b) The business and client records required to be maintained must be retained for a period of not less than five years from the date of service, except that if an audit is initiated within the required retention period the records must be retained until the audit is completed and every exception resolved. This provision is not to be construed as a statute of limitations.
- c) All clinical and financial records required to be maintained shall be readily available for inspection, audit and copying (including photocopying) by Department or DCFS personnel and Department of Public Aid and U.S. Health Care Financing Administration compliance personnel during normal business hours at the provider's facility. Department or DCFS personnel shall make all attempts to examine such records without interfering with the professional activities of the provider.

d) The compilation and storage of and accessibility to client records shall be governed by written policies and procedures, in accordance with the Mental Health and Developmental Disabilities Confidentiality Act, which shall specify that:

- 1) Access to client records shall be limited to persons authorized by the Mental Health and Developmental Disabilities Confidentiality Act (415 Rev. Stat. 1985, ch. 94, pars. 801 et seq.) and to the client;
- 2) All entries in the client record shall be current, legible, dated and signed by the author;
- 3) Facilities for the handling, processing and storage of client records shall be secured from theft, loss, or fire and access limited to personnel authorized by the provider; and
- 4) Client data maintained on magnetic tapes, computer files, or other automated information systems shall be secure from theft, loss, or fire.
- e) The client's financial record shall include the financial status of the client at service initiation, with an annual update documenting the method of payment, the fee assessed (based on a sliding scale fee schedule), and services rendered which substantiate billing records, i.e., type and amount of service rendered, date(s) rendered, and by whom rendered.

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(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.130 Clinic facilities

The provider shall:

- a) Use facility(s) meeting accessibility standards as contained in the Environmental Barriers Act (Ill. Rev. Stat. 1985 1989, ch. 111, par. 3711 et seq.).
- b) Use facility(s) accessible to public transportation within thirty minutes walking distance in urban areas with a metropolitan population of 100,000 people or more.
- c) Use facility(s) located on paved roads in non-urban areas where the metropolitan population is under 100,000 people.
- d) Comply with approved state and local ordinances and codes relating to fire, building and sanitation, health and safety requirements as follows effective at the time of application:

1) Fire

- A) National--Fire--Protection--Association: NFPA 10, - Standard for Portable Extinguishers, (National Fire Protection Association, 1984); with no later amendments or editions.
- B) NFPA 220, - Standard Types of Building Construction, (National Fire Protection Association, 1985); with no later amendments or editions.
- C) NFPA 255, - Test of Surface Burning Characteristics of Building Materials, (National Fire Protection Association, 1984); with no later amendments or editions.
- D) NFPA 258, - Measuring Smoke Generated by Solid Material (Construction), (National Fire Protection Association, 1987); with no later amendments or editions.
- E) Fire Resistance Index, --January--1987 (Underwriters Laboratories, Inc., January 1987); with no later amendments or editions.

- F) Building Material Index, --January--1987 (Underwriters Laboratories, Inc., January 1987); with no later amendments or editions.

- G) The rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 100.

2) Building

- A) "AN ACT in relation to the licensing and regulation of plumbers, to repeal a certain Act therein named, and to prescribe penalties for the violation thereof" (Ill. Rev. Stat., 1985 1989, ch. 111, par. 1101 et seq.).
- B) NFPA 70 - National Electrical Code NFPA--70--1987 (National Fire Protection Association, 1987); with no later amendments or editions.

- C) The "Uniform" or "National Building Code" as adopted by the local or county ordinance.

3) Sanitation, health and safety

- A) Have a written plan policies and procedures for the provision of housekeeping services at the facility(s) specifying staff assignments and equipment and supplies to be used.
- B) Provide equipment and furnishings for the client and staff capacities, including at a minimum, desks, chairs, work tables, file cabinets and storage cabinets. A written plan policies and procedures for maintaining equipment and furnishings shall be available.
- C) Provide all locations where services are delivered, including offices, with functioning lighting.
- D) Maintain all facility(s) rooms at a minimum temperature of 72 degrees; rooms will not be smoke-filled and all windows will be operating and screened or stormed.
- E) Have a written plan policies and procedures for the maintenance of its facility(s). Floors will be maintained with a smooth, but non-slip surface.

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- F) Designate a space for client assessment, treatment and rehabilitation which shall be conducive to privacy.
- G) Develop and maintain an external and internal emergency disaster plan, including a fire evacuation plan.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

SUBPART C: QUALITY ASSURANCE UTILIZATION REVIEW AND CONTINUITY OF CARE

Section 130.140 Quality assurance plan Utilization review

- a) The provider shall develop, implement and maintain a written quality assurance plan which shall be revised, as necessary.
- b) The quality assurance plan shall reflect the overall approach for ensuring and reviewing the necessity, appropriateness, and the intensity/level of services provided.
- c) The quality assurance plan shall define and describe the following:
 - 1) The methods and procedures for performing the quality assurance reviews, recording reviews and disposition of non-compliant cases;

- 2) The authority and functions of the quality assurance designated unit (committee or individual) with primary responsibility for the quality assurance program;

- 3) The frequency of quality assurance review meetings, at least quarterly;

- 4) The policies and procedures for documenting and reporting quality assurance review meeting minutes, records activities, determinations and recommendations to the supervising qualified mental health professionals(s); other mental health professionals, if applicable, and the billing department;

- 5) Procedures for appeal of review decisions by the responsible qualified mental health professionals; other mental health professionals, and the clients;

- 6) Provisions for ensuring confidentiality of quality assurance record reviews, in accordance with the Mental Health and Developmental Disabilities Confidentiality Act;

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- 7) Written procedures between quality assurance unit, the billing department of the agency, and the staff requesting the extension to ensure that extended services are authorized by the Quality Assurance Unit;
 - 8) Case record sampling procedures for a review for accuracy of service eligibility and initiation; continued services; and adverse decisions previously reviewed;
 - 9) Provisions for ensuring confidentiality among the client, principal mental health staff, and reviewers with respect to quality assurance activities, determinations, results, and/or recommendations; and
 - 10) The record storage plan.
- d) Each quality assurance unit shall be made up of qualified mental health professionals and other mental health professionals reflecting the disciplines employed by the agency to implement its quality assurance plan. Each quality assurance unit must document its quality assurance activities, determinations and recommendations. Such documentation shall be kept in a file separate from the recipients' clinical records and shall at minimum consist of:

- 1) Name of quality assurance structure;

- 2) Date of meeting(s);

- 3) Name(s) of reviewing member(s) and their discipline(s);

- 4) Description of activities;

- 5) The number of cases reviewed;

- 6) Case identifier (name, number, or code);

- 7) Service initiation date and review date;

- 8) Decision reached, including the basis for determination;

- 9) Action taken for each case not approved for extension of service period.

- e) The quality assurance plan shall clearly delineate the process for three levels of quarterly review, including:

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- i) First level review of a representative sample of client records:

A) Each quarter of the fiscal year the agencies must review a minimum of five percent of the cases for each service element or program for adult or child and adolescent cases, or both if both services are provided. The agency shall review these services for compliance with the recipient records and documentation requirements, clinical eligibility for services, client financial data and Medicaid eligibility determination, fees charged, and billings submitted. The sample of cases must equally represent new cases (activities within the 30 days prior to the review), continuing cases (cases active and/or on the program case-load for the last month preceding the quarter) and closed cases (cases closed within the last six months prior to the review).

B) Each agency must designate a person or persons who will perform the record reviews. The person or persons must be trained in adult services if the agency provides such services and/or child and adolescent services if the agency provides such services. The person or persons designated to conduct the first level of review cannot participate in the review of a recipient for whom that person or persons is providing direct services. Where that occurs the agency shall designate another person under this Subpart.

- 2) Second level review of a sample of the client cases reviewed in the first level:

A) The agency must further review one-half of the cases reviewed at the first level utilizing the same procedures of the first level sampling technique to determine that compliance with mandates, assessments, treatment plan requirements, mental health provider requirements, and assigned length of service are reflected in the individual treatment plan.

B) The agency must designate only qualified mental health professionals (QMHP) staff to perform the second level reviews. The qualified mental health professional cannot review a recipient for whom the QMHP provides direct service. When that occurs, the agency shall

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designate another qualified mental health professional under this Subpart:

- 3) Third level review of exceptional or problem cases:

A) The agency further must review all cases from the second level of review that involve the use of hazardous or experimental procedures as defined in Section 2-110 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1985, ch. 91, par. 2-110) to insure compliance with these provisions and in which services are not being used in accordance with the treatment plan.

B) The agency must designate qualified mental health professionals to perform third level reviews. The QMHP cannot review a recipient for whom the QMHP provides direct services. When that occurs, the agency shall designate another qualified mental health professional under this Subpart.

- 4) All cases involving a death of a recipient shall not be included in the sample for first level review but instead will be automatically reviewed at both the second and third levels.

f) The process of quality assurance review shall result in recommendations and a plan of action for improving any identified deficiencies in service delivery.

- g) The quality assurance plan shall specify the process for dissemination of the quality assurance review recommendations and the plan of action. At a minimum, quality assurance review recommendations and the plan of action will be given to:

- 1) The responsible QMHP providing the service;
- 2) His/her supervisor;
- 3) The provider's quality assurance committee; and
- 4) Other clinical and/or administrative staff of the provider.

h) The quality assurance plan will initially be submitted to the Division of Mental Illness, Quality Assurance Section for review and approval pursuant to this Section. Subsequent changes in the plan will receive Departmental approval in compliance with this

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Section: If no changes are made to a plan, a letter indicating such will be sent to the Department annually.

- i) Further records of individual case reviews, quarterly reports, and records of corrective action shall be made available for review by the Department, in accordance with the Mental Health and Developmental Disabilities Confidentiality Act.

- j) The provider shall adhere to the Mental Health Clinic Program Adult Service Utilization Parameters or the Mental Health Clinic Program Children and Adolescent Service Utilization Parameters as applicable which are set forth in Section 130-Table A and Section 130-Table B. Extensions and/or increases beyond the maximum units set forth in these Tables will be allowed by the Department if the agency can justify the extensions and/or increases based upon the clinical need and level of functioning. The recipient's clinical need and level of functioning is determined by such factors as the diagnostic and prior hospitalization history, assessment data, and social history information which indicates the recipient's inability to maintain their level of functioning without continued treatment.

There shall be a written utilization review (UR) plan and ongoing activities designed to assess the appropriateness of the admission to clinic services, intensity/level of services, and continued clinic services. The written UR plan shall address:

- a) The methods and procedures for performing and recording individual case reviews;
- b) The authority and functions of the individual case review designated unit. The designated unit may be:
 - 1) A committee chaired by a QMHP, or
 - 2) A QMHP;
- c) Procedures describing the frequency of individual case reviews, at least quarterly and in accordance with Sections 130-Table A and 130-Table B;
- d) Procedures to ensure that the review includes and summarizes an analysis of the client's progress over the previous 90 days and discusses trends from past months;

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- e) The policies and procedures for documenting and reporting individual case reviews, determinations and recommendations to the supervising QMHP and if applicable, the billing department;

- f) Procedures for appeal of review decisions by the responsible QMHPs and the clients;

- g) Provisions for ensuring confidentiality of individual case reviews, determinations, results, and/or recommendations in accordance with the Confidentiality Act;

- h) Procedures for following up on case review recommendations; and

- i) Procedures to ensure that the final written approval and authorization for continuing treatment is provided only by the signature of the reviewing QMHP.

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 8882 effective June 10, 1991)

Section 130.150 Clinical records

The client's clinical record shall contain, but is not limited to the following:

- a) Identifying information including name, case provider identification number, Medicaid recipient identification number, address and telephone number, sex, date of birth, marital status, next of kin, date of initial contact and initiation of mental health services, and source of referral;
- b) Documentation of the informed consent for mental health services;
- c) Releases of information, which are in accordance with Section 5 of the Mental Health and Developmental Disabilities Confidentiality Act--(Ill. Rev. Stat., ch. 91, par. 805)--permitting authorized personnel of the Department, the Department of Public Aid and the U.S. Health Care Financing Administration to review the clinical record for purposes of audit, certification, licensure or funding;

- d) c) Assessment and reassessment reports;

- e) d) A current individual treatment plan, progress reviews and notes;

- f) e) Documentation of all specific treatment with psychotropic medication;

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- g) f) Documentation of missed appointments;
- h) g) Documentation of client movement (referral/transfer) during any active service period to or from the provider's programs or to or from other providers;
- i) h) Documentation of each service rendered which describes:
 - 1) The type of service, as specified in the individual treatment plan;
 - 2) The relatedness of the service to the individual treatment plan goals;
 - 3) The modifications, if any, in services;
 - 4) The outcome(s) of services.

Justification for extension of service durations, (based on service utilization parameters and clinical judgment): Extensions and/or increases beyond the maximum units set forth in Sections 130.TABLE A and 130.TABLE B will be allowed by the Department if the provider can justify the extensions and/or increases based upon the clinical need and level of functioning of the client. The client's clinical need and level of functioning is determined by such factors as the diagnostic and prior hospitalization history, assessment data, and social history information which indicates the client's inability to maintain his or her level of functioning without continued treatment. The provider will be held responsible for any claims disallowed.

- *) 1) A record of grievances filed by the client, including the nature of the complaint, date of complaint, and a statement regarding the resolution of the complaint;
- *) k) A record of client's major accidents or incidents, self-reported or observed, resulting in an adverse change in the client's physical and/or mental functioning; and
- *) l) Discharge summary documenting the outcome of treatment and the linkages for continued services.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.160 Physician direction and mental health clinic services

- a) Mental health clinic services shall be prescribed and/or delivered by a physician and delivered by qualified mental health professionals under the direction of a physician.
- b) Physician direction shall include the assumption of professional responsibility by the physician for service provision and the formulation of, approval of, or involvement of the physician in each client's individual treatment plan within 30 calendar days from the date of initial treatment and service provision, completing the mental health assessment. The physician must document his/her direction by signing and dating his/her approval of the individual treatment plan or by signing and dating his/her notation indicating concurrence with the individual treatment plan in the client's record. This shall occur whenever there is a significant change in the treatment plan (i.e., change in mode or modality of service, problem identification, or focus of treatment) or at least once within every six-month period for adult clients and at least once within every three-month period for children and adolescents, whichever comes first. If the physician is directing services for children, the physician must have one year's experience in the treatment of children and adolescents.
- c) A qualified mental health professional QMHP, as defined in Section 130.20, may deliver mental health clinic services under physician direction in accordance with subsection (b) above. The QMHP shall also provide direct supervision of other mental health professionals, pursuant to Subpart D.
- d) Qualified mental health professionals QMHPs and other mental health professionals shall participate in annual inservice staff training and development programs consistent with their area of responsibility to enable all professional mental health staff to perform their duties effectively.
- e) The general program staffing mix shall include personnel and/or consultants who speak the language(s) likely to be used by the service area target population.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.170 Continuity of care and coordination of service

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a) The provider shall ensure and promote the continuity of client services within the provider's programs and services and between the provider and other providers serving the client.

b) The provider shall be responsible for service coordination at the time of service initiation until termination from service and communicate this information to the client. The provider shall:

1) Document & communicate by telephone, face to face and/or in writing with other providers serving the client regarding the development of and revisions in the individual treatment plan, the client's status, and progress, with the client's written consent;

2) Assure communication among staff and providers at the point of service transfer and termination concerning the clinical findings on which the decision is based; and

3) Communicate by telephone, in writing and or face to face with other organizations when the client is receiving mental health services from more than one provider to ensure overall coordination and monitoring of services provided.

c) The provider shall communicate relevant treatment and service information prior to or at the time that the client is transferred to a receiving program of the provider, or is terminated from service and referred to a program operated by another service provider, if the client provides written authorization.

d) The provider shall follow-up and document, in the client's record, the referrals to other human service agencies to assure that linkage has occurred and the client is receiving services.

e) The provider shall develop written interagency agreements with other relevant human service providers in the service area, as necessary.

f) The provider shall ensure and promote continuity of client services between the provider and the state-operated mental health facility(s) in accordance with Recipient Discharge/Linkage/Aftercare, 59 Ill. Adm. Code 125 (Recipient Discharge/Linkage Aftercare).

g) The provider shall maintain a relationship with the local judicial system, jails, hospitals, school systems and other related human service organizations as needed to insure access and coordination of services.

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(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.180 Comprehensiveness and a Availability of services

a) The provider shall insure the provision of comprehensive mental health services, directly or under formal contractual agreements, which shall include the provision of the services specified in Section 130.190(a). The Department will waive this provision if services cannot be contracted or if contracted services could not be obtained and if enforcement would limit availability of mental health clinic services in a planning area, to insure an adequate level and distribution of mental health services.

b) Mental health clinic services shall be available and accessible to any person in need of mental health services. If the provider is licensed by DFS as a child welfare agency and has a mission statement that clearly identifies its primary target population as children and their families, it must have formal linkage agreements and policies that ensure appropriate referrals for adults needing services. The provider shall have written criteria stating how services will be designed to minimize temporal, economic, procedural, or cultural and linguistic barriers to treatment and rehabilitation.

c) Services shall be routinely available at times other than 9:00 a.m. to 5:00 p.m., to meet the mental health needs of the service area target population.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

SUBPART D: SERVICES

Section 130.190 Service categories

a) The following M mental health clinic services shall include be available:

- 1) Comprehensive assessment and treatment planning
 - A) Mental health assessment;
 - B) Psychiatric evaluation;
 - C) Psychological evaluation;
 - D) Treatment plan development and modification.

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- 2) Crisis intervention
- 3) Psychiatric treatment
 - A) Individual therapy;
 - B) Group therapy;
 - C) Family therapy;
 - D) Psychotropic medication-prescription and review;
 - E) Psychotropic medication-monitoring and training.
- 4) Day treatment
 - A) Intensive stabilization;
 - B) Extended treatment and rehabilitation.
- 5) Case management
- b) In order to be certified by the Department and enrolled by the Department of Public Aid, a prospective provider must, at a minimum, provide comprehensive assessment and treatment planning and either of the following: crisis intervention, case management, psychiatric treatment, day treatment.

c) Certification for all mental health clinic services provided by an enrolled provider must be obtained within twelve months of the provider's initial certification. Enrolled providers must obtain certification for all mental health clinic services within 12 months of the provider's initial certification unless waived by the Department. The provider shall enroll for certification of remaining services, using forms prescribed by the Department or DCFS. Services shall be certified based on compliance with the requirements of this Subpart B. Such compliance will be determined through a retrospective review of client records and quality assurance documents and the inspection of the provider's premises.

d) In addition to the mental health interventions, transportation may be provided to or arranged for clients as part of specific service categories listed in subsection (a) (1) through subsection (a) (5) above, as necessary, for the receipt of mental health services. This may be provided following the development of an individual treatment plan for the duration of the service period or immediately in a crisis situation for the duration of the crisis

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service period. Persons other than QMHP's and MHP's may transport the client. Transportation for the accompanying parent, or guardian, or caregiver of a minor client may also be provided as necessary. The Department or DCFS will consider transportation necessary when the client is otherwise unable to obtain services, to assure provision of services, to assure the safety and well-being of the client (e.g., transfer of a client in crisis to a hospital), when access to services is limited by unavailability of alternative transportation or economic distress (i.e., the client lacks funds for transportation).

e) Services such as individual, group, and family therapy, psychotropic medication prescription, review, monitoring and training, crisis intervention and case management shall be reimbursed at an all-inclusive per client-hour rate payable to the nearest quarter hour.

f) Day treatment services such as intensive stabilization and extended treatment and rehabilitation shall be reimbursed at an all-inclusive per client-day rate payable for a four-hour period or payable to the nearest hour, e.g., at one-quarter of the day rate for clients who do not receive the full four hours of service.

g) Psychiatric services provided by physicians are reimbursed through the Department of Public Aid.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.200 Comprehensive assessment

a) The provider shall insure that an individual requesting mental health services, or any individual who has been referred by the court, shall receive an assessment of his/her need for mental health services. The assessment process may include a preliminary assessment; a mental health assessment; a psychological evaluation and/or a psychiatric evaluation. The assessment process shall result in a determination of the need for mental health services, the type of mental health services required and shall ensure the appropriateness of admission for inpatient psychiatric hospitalization by examining and exhausting all other less restrictive alternatives available to meet the client's needs.

b) The preliminary assessment of the need for mental health services shall be based on an interview with the client to gather information in the following areas:

- 1) Identifying information (see Section 130.150(a));

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- 2) Extent, nature, and severity of presenting problem(s);
 - 3) Present level of functioning (self-reported).
- c) The preliminary assessment and determination of the need for mental health services shall be initiated within five working days of the request by the client or immediately in a crisis situation, as specified in Section 130.230 (b).
- d) A client determined to be in need of mental health services shall receive a mental health assessment prior to the determination of the specific mental health service(s) and the initiation of services. If the client is determined to be in need of immediate crisis intervention services (see Section 130.230(b)), a mental health assessment shall not be required prior to the initiation of crisis services.
- e) Prior to the initiation of the mental health assessment, the provider shall obtain informed consent from the client and the client's guardian, if applicable, unless the client is determined to be in need of crisis intervention services, or if the assessment is court-ordered for the client.
- f) The mental health assessment shall include, at a minimum, the assessment and written report of the following:
- 1) Personal and family history including the history of mental illness in the family;
 - 2) Cognitive functioning (attention, memory, information, attitudes), perceptual disturbances, thought content, speech, and affect; and an estimation of the ability and willingness to participate in treatment;
 - 3) History of mental health treatment;
 - 4) Present level of functioning including social adjustment and daily living skills;
 - 5) Legal status (guardianship, representative payee, trust beneficiary, pending court order);
 - 6) Level of education and/or specialized training;
 - 7) Previous employment and the acquired vocational skills, activities/interests, if applicable;

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- 8) History of and/or current alcohol/chemical dependency;
 - 9) Previous and current psychotropic medications, last physical examination, and any known medical problems;
 - 10) Resource availability (income entitlements, health care benefits, subsidized housing, social services, etc.).
- g) During the mental health assessment, the client and the client's guardian, if applicable, shall be informed of services offered by the provider and shall be apprised of the client's rights in accordance with Chapter 2 of the Code (Ill. Rev. Stat. 1985 1989, ch. 91, pars. 2-101 through 2-111 et seq.).
- h) The Responsibility for the completed mental health assessment shall be conducted by a QMHP on a and shall include at a minimum one face-to-face contact with the client and his/her family, at the client's request or by agreement of the client when the family can provide pertinent information or support, and the client's guardian, if applicable. Other mental health professionals who are under the direct supervision of a QMHP may participate in the mental health assessment pursuant to Section 130.160 (c). The assessment may be conducted in the provider's clinic and/or in other locations including, but not limited to, the client's own home, hospitals, jails, and other community locations. The mental health assessment shall not require physician prescription and direction.
- i) The results of the mental health assessment shall be reviewed by the directing physician documented by a signed and dated progress note or date and signature on the assessment with a statement and he/she shall make a determination if a psychiatric evaluation and/or a psychological evaluation is necessary in order to develop the client's individual treatment plan. The psychiatric evaluation, if applicable, shall be conducted by the physician on a face-to-face basis with the client. The psychological evaluation, if applicable, shall be conducted by a registered licensed psychologist, on a face-to-face basis with the client. If the mental health assessment is not conclusive and the client's diagnosis is deferred or a rule-out diagnosis is given, the provider has 30 days to determine the client's mental health needs and treatment. In instances when the diagnosis still cannot be determined or a rule-out diagnosis is given, the client's record must contain documentation as to what evaluations will be performed in order to provide a definitive diagnosis in the individual treatment plan.

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- j) The assessment report(s), including the mental health assessment and the psychiatric and psychological evaluation, if applicable, shall be utilized in the development of the client's individual treatment plan.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.210 Treatment plan development and modification

- a) The individual treatment plan (ITP) shall be developed with the participation of the client and the client's guardian, if applicable. The plan shall be signed by the client and the client's guardian, if applicable, if the qualified mental health professional and the physician who is directing the formulation of the ITP. A copy of the signed plan shall be given to the client, if not clinically contraindicated, and the client's guardian, if applicable, and incorporated in the client's record. The plan shall be signed by the client if 12 years of age or older or by the parent or legal guardian of a minor or by the legally appointed guardian of an adult who has been adjudicated as legally disabled. The QMHP and the physician who is directing the formulation of the individual treatment plan. A copy of the signed plan shall be given to the client, if not clinically contraindicated, and the client's parent or guardian, if applicable, and incorporated in the client's record.

- b) The provider shall explain to the client and to the client's guardian, if applicable, the process for the development and the contents of the ITP.

- c) The ITP shall be developed within 30 calendar days of the initiation of service documented date of completing the mental health assessment. The ITP shall include a definitive diagnosis that has been determined using the Diagnostic and Statistical Manual of Mental Disorders, Third Edition revised (DSM-III-R, American Psychiatric Association 1987 edition), with no later amendments or editions, or the International Classification of Diseases, Second Third Edition (ICD-9), World Health Organization, (1980 1989 edition), with no later amendments or editions, rendered and signed by a physician within 30 calendar days of the initiation of services.

- d) The ITP shall state the overall goals of treatment and shall indicate the specific mental health services to be provided, in accordance with the following:

- 1) Describe the mental health service needs of the client in relationship to the mental health service(s) to be provided;
- 2) Contain a statement relating to the goals, objectives and expected outcome(s) for the specific mental health service(s) provided to the client. The statement shall specify for each service:

- A) Long-term goals and specific intermediate objectives stated sequentially;
- B) Planned intervention related to accomplishing the objectives including the frequency, quantity and duration of services;
- C) Date(s) on which each service objective was set and the expected length of service; and
- D) Identification of the professional staff with responsibility for managing each service objective.

- e) The ITP shall be under the direction of a physician, pursuant to Section 130.160(b). The QMHP shall participate in the development of the ITP under physician direction, pursuant to Section 130.160(c). Other mental health professionals who are under the direct supervision of the QMHP, pursuant to Section 130.160(c) may also participate in the development of the individual treatment plan.

- f) Clients who receive more than one type of mental health service shall have an individual treatment plan developed, reviewed, and modified, as necessary, by the team of individuals responsible for providing the respective services.

- g) The ITP shall be reviewed and modified, as necessary, semi-annually, at a minimum, for adult clients and quarterly, at a minimum, for children and adolescents by the directing physician and the qualified mental health professional(s) involved in the formulation, implementation, and supervision of the ITP.

- h) If multiple providers are providing mental health services to the client, one master ITP shall be developed by the team of individuals responsible for providing the respective services.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.220 Psychiatric treatment

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a) Service requirements

Psychiatric treatment services shall be provided to clients of all ages who require interpersonal therapy and/or psychotropic medication to promote growth in role functioning or to maintain role functioning in order to assist the client in functioning in the community.

b) Psychiatric treatment - psychotropic medication requirements include:

1) Psychotropic medication shall be prescribed by a physician licensed in accordance with Section 3 of the Medical Practice Act of 1987 (1987 Rev. Stat. 1985, ch. 111, par. 4403), who has conducted a psychiatric evaluation of the client, or in an emergency, is aware of the client's psychotropic medication history and the client's current level of functioning.

2) Psychotropic medication shall be administered by personnel licensed to administer medication pursuant to the Illinois Nursing Act of 1987 (1987 Rev. Stat. 1985, ch. 111, par. 3401 et seq.) and the Medical Practice Act of 1987. (1987 Rev. Stat. 1985, ch. 111, par. 4401 et seq.)

3) Psychotropic medication shall be reviewed every 90 days, at a minimum, by the physician.

4) Psychotropic medication shall be monitored and training shall be provided to clients in the following areas:

- A) Psychiatric illness;
- B) Psychotropic medications, effects and side-effects, adverse reactions;
- C) Self-administration of medications;
- D) Storage and safeguarding of medication; and
- E) Communicating with mental health professionals regarding medication issues.

5) Notation shall be made in the client's clinical record regarding psychotropic medication and other types of medication. Notations shall include:

- A) All medication being taken by the client;
 - B) Current psychotropic medication: name, dosage, frequency, and method of administration;
 - C) Activities implemented to address any problem(s) resulting from psychotropic medication administration; and
 - D) A statement indicating that the client has been informed of the purpose of the psychotropic medication ordered and the side effects of the medication.
- 6) Psychotropic and other medication shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, security and in accordance with 77 Ill. Adm. Code 300.1640.
- 7) Psychotropic medication monitoring and training shall be provided by the physician, by a QMHP under the direction of a physician, or by a MHP, under the supervision of a QMHP pursuant to Sections 130.160(a) and (c). The physician must designate, in writing, the professionals who provide medication monitoring and training services, as medication monitoring and training staff.

c) Psychiatric treatment - primary therapy shall include:

- 1) Individual therapy;
 - 2) Group therapy;
 - 3) Family therapy (includes couples' therapy and marital counseling);
 - 4) On-going assessment and individual treatment plan review; and
 - 5) Transportation, pursuant to Section 130.190(d).
- d) The services shall be provided:
- 1) Following a mental health assessment consistent with the client's ITP;
 - 2) On a face-to-face or personal contact basis with clients, groups of clients and their families, at the client's request or agreement or based on the treatment plan;

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- 3) In the provider's clinic; or,
- 4) In other locations such as the client's own home or other appropriate community locations with justification in the client's clinical record.

e) Service eligibility and termination criteria

- 1) Service eligibility criteria shall include:

A) Determination that the client's role functioning, is mild to moderate, 70 or below as assessed utilizing using the GAF Scale or CGAS Scales (DSM-III-R--American Psychiatric Association; 1987 edition; with no later amendments or editions); and when not in crisis (see Section 130.230(b)(1))--and -

B) Determination--that--the--client--exhibits--verbal--and interpersonal--skills--necessary--to--engage--in--systematic verbal--interaction--with--the--therapist--geared--towards remediation--identified--problems--and--improving--role functioning--

- 2) Service termination criteria shall include:

A) Determination that the client's level of role functioning and the personal distress level has improved and has been maintained consistent with the individual treatment plan as assessed utilizing the GAF Scale--(DSM-III-R--American--Psychiatric--Association; 1987-edition; with no later amendments or editions); or

B) Determination that the client's level of role functioning has significantly deteriorated to a degree where referral or a transfer to a more intensive mental health treatment is indicated as assessed utilizing the GAF Scale--(DSM-III-R--American--Psychiatric--Association; 1987-edition; with no later amendments or editions); or

C) Documentation in the client's clinical record that the client terminated participation in the program.

f) Staffing

Psychiatric treatment services shall be delivered by or prescribed by a physician and delivered by a QMHP, pursuant to Section 130.160(a).

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(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.230 Crisis intervention

a) Service requirements

- 1) Crisis intervention services shall be provided to clients of all ages who are experiencing a psychiatric crisis and a high level of personal distress to provide brief and immediate, intensive treatment to reduce symptomatology, stabilize and restore the client to a previous level of role functioning and to assist the client in functioning in the community.

- 2) Crisis intervention shall include:

A) Immediate preliminary assessment;

B) Therapy (brief and immediate);

C) Referral, linkage and consultation with other appropriate mental health services; and

D) Transportation, pursuant to Section 130.190(d).

- 3) Crisis intervention services shall provide immediate crisis assessment to ensure the appropriateness of admission for psychiatric hospitalization by examining and exhausting all other less restrictive alternatives available to meet the client's needs.

4) Services shall be provided on a face-to-face basis, following, at a minimum, a preliminary assessment (see Section 130.200(b)) of the need for mental health services. A preliminary ITP shall be developed and incorporated into the ITP, if continuing mental health services are provided.

5) Services shall be provided in the provider's clinic and/or other locations such as the client's own home/residence, hospitals, police--stations, jails, and other community locations.

6) Access, referral, and linkage with continuing mental health services shall be provided for clients in crisis, including residential crisis care, respite care, and/or inpatient psychiatric treatment, as determined by a QMHP under the supervision of a physician or prescribed by a physician.

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b) Service eligibility and termination criteria

- 1) Crisis intervention services shall be available to persons of all ages presenting an apparent need for immediate mental health services. Service eligibility criteria shall include:

- A) Determination of deterioration in one or more areas of role functioning within the past seven days and which requires immediate resolution and stabilization to prevent further deterioration in role functioning; or
- B) Determination that acute symptomatology requires immediate stabilization to prevent substantial deterioration in role functioning and to relieve personal distress.

- 2) Service termination criteria based on the GAF Scale (DSM-III-R); American Psychiatric Association, 1987 edition; with no later amendments or editions; assessed by a QMHP under the supervision of a physician shall include:

- A) Determination that the crisis has been resolved and the client shows positive change toward restoration to a previous level of role functioning and/or decrease in personal distress and is not in need of further mental health services; or
- B) Determination that the client has been stabilized but requires a transfer or referral to less intensive mental health treatment for continuing mental health services; or
- C) Determination that the client has not been stabilized and the client requires a transfer or referral to more intensive mental health treatment for continuing mental health services; or
- D) Documentation in the client's clinical record that the client terminated participation in the program.

c) Staffing

- 1) Crisis intervention services shall be delivered by or prescribed by a physician and delivered by a QMHP pursuant to Sections 130.160(a), (b) and (c). Physician prescription, however, shall not be required prior to service initiation but shall be secured within 72 hours five working days of

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service provision. The QMHP may also be assisted by other mental health professionals, who are under the direct supervision of the QMHP pursuant to Section 130.160(c).

- 2) Crisis intervention staff shall be selected for experience and acuity in mental health assessment, crisis intervention techniques, and effective clinical decision making under emergency conditions.
- 3) The number of crisis intervention staff shall be adequate to provide immediate crisis assessment, brief therapy, and referral and linkage on a face-to-face basis during the regular hours of service operation and at a minimum, provide crisis assessment and referral to mental health services, as necessary, after the regular hours of operation. Written agreements shall be established for referral of clients to crisis intervention services after regular operating hours, as necessary.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.240 Day treatment

a) Service requirements

- 1) Day treatment shall include intensive stabilization and extended treatment and rehabilitation services provided on an integrated, comprehensive and complimentary schedule of psychiatric and psychosocial treatment modalities addressing at least three areas of functioning:

- A) Psychological;
- B) Interpersonal; and
- C) Primary role.

- 2) Day treatment for individuals under the age of 21 years shall not include services that are educational in nature; for example, services identified in the individual education plan (IEP).

- 3) Intensive stabilization and extended treatment and rehabilitation services shall include a range of therapeutic interventions provided in a therapeutic milieu following a mental health assessment, consistent with the client's ITP.

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3) 4) Intensive stabilization services shall be provided billable in hourly increments for a minimum maximum of four hours daily with a schedule of interventions focused on resolution or stabilization of short-term problems or crisis situations which, if not treated, would require inpatient psychiatric hospitalization including the provision of the following:

- A) Therapy (individual, group and family);
- B) Occupational therapy;
- C) On-going assessment and treatment plan review; and
- D) Transportation, pursuant to Section 130.190(d).

4) 5) Extended treatment and rehabilitation services shall be available provided for a minimum of four hours daily with a schedule of interventions focused on the development, acquisition, enhancement and/or maintenance of interpersonal and living skills to restore client functioning, facilitate re-entry into the family and community, including the provision of the following:

- A) Therapy (individual, group and family);
- B) Occupational therapy;
- C) Skills development and training;
- D) On-going assessment and treatment plan review; and
- E) Transportation, pursuant to Section 130.190(d).

b) Service eligibility and termination criteria

1) Specific service eligibility criteria for intensive stabilization shall include determination that the client:

- A) Exhibits signs, symptoms and associated features of mental illness and has experienced deterioration in role functioning in one or more primary areas, onset within the past 10 days, which requires immediate intervention to prevent further deterioration and the need for 24-hour supervised treatment, e.g. hospitalization; or

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B) Requires further continuation of treatment following hospitalization because symptoms persist and role functioning has not improved; 1

6) Has a place of residence and is able to be maintained in the community and presents no imminent potential for harm/danger to himself/herself or others.

2) Specific service eligibility criteria for extended treatment and rehabilitation shall include determination that:

A) The client's role functioning is limited 70 or below as assessed using the GAF Scale or CGAS Scales (DSM-III-R, American Psychiatric Association, 1987 edition, with no later amendments or editions);

B) The client has been hospitalized two or more times in the preceding year;

6) B) The client lacks independent living skills, and/or is unable to maintain community adjustment without structured intervention;

B) C) The client has a sufficient level of stress tolerance to allow planned attendance and increasing participation in a structured extended rehabilitation program; and;

E) The client has a place of residence and is able to be maintained in the community.

3) Termination criteria

A) General termination criteria for intensive stabilization shall include:

i) Determination that the client's level of acute distress/crisis has been resolved and previous role functioning restored consistent with treatment plan objectives; or

ii) Documentation in the client's clinical record that the client terminated participation in the program.

B) General termination criteria for extended treatment and rehabilitation shall include:

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- i) Determination that the client's level of role functioning has improved, as assessed utilizing the GAF Scale (DSM-III-R; American Psychiatric Association; 1987 edition; with no later amendments or editions); and the rehabilitation services objectives have been obtained and maintained consistent with the treatment plan; or
- ii) Determination that the client's level of role functioning as assessed utilizing using the GAF Scale or CGAS Scales (DSM-III-R; --American Psychiatric Association; 1987 edition; with no later amendments or editions), has not improved or has deteriorated and the extended rehabilitation services objectives have not been obtained consistent with the treatment plan; or
- iii) Documentation in the client's clinical record that the client terminated participation in the program.

c) Staffing

- 1) Intensive stabilization and extended treatment and rehabilitation services shall be delivered or prescribed by a physician and delivered by a QMHP, or by an MHP under the direct supervision of the QMHP, pursuant to Sections 130.160 (a), (b) and (c). The QMHP may be assisted by other mental health professionals who are under the direct supervision of the QMHP, pursuant to Section 130-160 (e).
- 2) Intensive stabilization services shall have a minimum of one full-time equivalent (FTE) mental health professional to every six adult clients (1:6) or 1:3 for child and adolescent clients, based on average daily attendance calculated annually.
- 3) Extended treatment and rehabilitation services shall have a minimum of one FTE mental health professional to 10 adult clients (1:10) or 1:6 to child and adolescent clients, based on average daily attendance calculated annually.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130.250 Case management

a) Service requirements

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- 1) Case management services shall be provided to clients of all ages who require assistance in gaining access to mental health services and to social, educational, vocational, recreational, housing, public income entitlements, and other community services to assist the client in functioning in the community.
- 2) Case management shall include:
 - A) Linkage with a continuum of mental health services;
 - B) Linkage with basic resources, which may include:
 - i) Applying for financial, medical and other public entitlements;
 - ii) Locating housing;
 - iii) Obtaining medical and dental care;
 - iv) Obtaining other social, educational, vocational, and recreational services.
 - C) Client-specific advocacy and assistance with problem solving/resolution to assist the client in building community support and family support systems; and
 - D) Transportation, pursuant to Section 130.190(d).
- 3) Case management services shall be provided following a mental health assessment consistent with the client's ITP (except that immediate assistance may be provided to obtain food, shelter and clothing, if needed) on a face-to-face basis or personal contact basis with the client, his/her family, or other persons (such as employees of the public aid offices, restaurants, or neighborhood centers), at the client's request or agreement or based on the treatment plan, primarily on an outreach basis in the client's own home/residence or other appropriate community locations such as the public aid office, restaurant, or neighborhood center.
- 4) A single case manager or a team of case managers shall be responsible for providing the case management services and for coordinating other mental health and community services for each client.

b) Service eligibility and termination criteria

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- 1) Service eligibility criteria shall include determination that:

A) The client's assessed level of role functioning is 70 or below as assessed utilizing the GAF or CGAS Scales (BGM-III-R--American--Psychiatric--Association; --1987 edition; with no later amendments or editions); --is at minimum-moderately-impaired; and

B) The client has had two or more psychiatric hospitalizations in the past 12 months; or

C) The client is in need of either food, clothing, or shelter; and mental health and social services; or

D) The client is currently receiving (or needs) at least two of the following types of services: mental health, medical, social, educational, rehabilitative, housing, or other service. Service needs must be documented in the client's ITP (for example, clients who need/receive only chemotherapy are not eligible for case management services), or

E) The client is planned to be discharged from an inpatient psychiatric facility and may require linkage with a provider for continuing mental health services and community/family support, and may be in need of immediate assistance in securing appropriate housing and income entitlements in order to function independently in the community.

- 2) Service termination criteria shall include:

A) Determination that the client's level of role functioning has improved and has been maintained consistent with the individual treatment plan, and that the client is no longer in need of advocacy to support adequate role functioning;

B) Determination that the client has been successfully linked with appropriate mental health services and other basic services consistent with the individual treatment plan and is no longer in need of assistance or advocacy to maintain them. Successful linkage is person-to-person contact between a client and the staff of a community provider which has agreed to provide necessary services and the mutual agreement between a

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client and the staff of the community provider that appropriate services are available and are likely to meet the client's needs;

C) Documentation in the client's record that the client terminated participation in the program.

c) Staffing

Case management services shall be provided by a QMHP, who may be assisted by other mental health professions who are or by an MHP under the direct supervision of the QMHP, pursuant to Section 130.160(c). Case management services shall not require physician prescription or direction.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

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Section 130. TABLE A Mental Health Clinic Program Adult
Service Utilization Parameters

| SERVICE | MINIMUM UNIT BILLABLE* | AVERAGE UNITS PER SPECIFIED PERIOD | ANNUAL MAXIMUM UNITS |
|-----------------------------|------------------------------|--|----------------------------|
| Mental health assessment | 15 min | 6 hours (per 6 months) | 12 hours |

| Children/Adolescents | MINIMUM UNIT BILLABLE* | AVERAGE UNITS PER SPECIFIED PERIOD | ANNUAL MAXIMUM UNITS |
|---|------------------------------|--|----------------------------|
| Psychiatric treatment individual therapy (60 min av) | 15 min | 8 hours (per 30 days) | 96 hours |
| family therapy (120 min av) | | 16 hours (per 30 days) | 193 hours |
| group therapy (90 min av) | | 12 hours (per 30 days) | 144 hours |

Psychological evaluation
(testing)

one encounter
(per 12 months)

one encounter
(per 12 months)

Psychiatric evaluation

one encounter
one evaluation
(per 6 months)

one encounter
two evaluations
two evaluations

Treatment plan
(development and modification)

one hour
(per 90 days)

4 hours
12 hours

Psychotropic medication
prescription, review, and
monitoring & training

2 hours
(per 30 days)

24 hours

Crisis intervention

10 hours
(per 30 days)

50 hours

Psychiatric treatment

individual therapy (60 min av) 15 min
family therapy (120 min av)
group therapy (90 min av)

4 hours
8 hours
6 hours
(per 30 days)

36 hours
72 hours
54 hours

Day treatment/intensive
stabilization

22 days
(per 30 days)

44 days
176 hours

Day treatment/extended
treatment and rehabilitation (4 hrs)

22 days
(per 30 days)

220 days
880 hours

Case management

20 hours
(per 30 days)

240 hours

Adult

Psychiatric treatment

individual therapy (60 min av) 15 min
family therapy (120 min av)
group therapy (90 min av)

4 hours
8 hours
6 hours

36 hours
72 hours
54 hours

* Billable to the nearest quarter hour, e.g. 55 minutes is billable to one hour or to the nearest hour for day treatment, e.g. at $\frac{1}{4}$ of the day rate, if the client does not attend the typical full 4 hour day which is billable at the all inclusive full day rate.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

Section 130. TABLE B Mental Health Clinic Program Children and Adolescents
Service Utilization Parameters

| SERVICE | MINIMUM UNIT BILLABLE* | AVERAGE UNITS PER SPECIFIED PERIOD | ANNUAL MAXIMUM UNITS |
|-----------------------------|------------------------------|--|----------------------------|
| Mental health assessment | 15 min | 6 hours (per 6 months) | 12 hours |

Psychological evaluation
(testing)

one evaluation
(per 12 months)

one evaluation
(per 12 months)

Psychiatric evaluation

one evaluation
(per 6 months)

one evaluation
(per 6 months)

Treatment plan
(development and modification)

15 min

one hour
(per 90 days)

12 4 hours

Psychotropic medication
prescription, review, and
monitoring & training

15 min

2 hours
(per 30 days)

24 hours

Crisis intervention

15 min

10 hours
(per 30 days)

50 hours

Psychiatric treatment

individual therapy (60 min av)
family therapy (120 min av)
group therapy (90 min av)

15 min

8 hours
16 hours
12 hours

96 hours
193 hours
144 hours

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| | | | |
|--|--------|---------------|------------------|
| Day treatment/intensive stabilization | 1 hour | (per 30 days) | |
| | | 22 days | <u>44 days</u> |
| Day treatment/extended treatment and rehabilitation | 1 hour | (per 30 days) | <u>176 hours</u> |
| | | 22 days | <u>220 days</u> |
| Case management | 15 min | (per 30 days) | <u>880 hours</u> |
| | | 20 hours | 240 hours |

* Billable to the nearest quarter hour, e.g. 55 minutes is billable to one hour or to the nearest hour for day treatment, e.g. at $\frac{1}{4}$ of the day rate, if the client does not attend the typical full 4 hour day which is billable at the all inclusive full day rate.

(Source: Amended at 15 Ill. Reg. 8882, effective June 10, 1991)

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- 1) Heading of the Part: REQUIREMENTS FOR THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE AWAY FROM THE POINT OF GENERATION
- 2) Code Citation: 32 Ill. Adm. Code 606
- 3) Section Number: 606.20
606.30
606.60
Adopted Action:
Amendment
Amendment
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Low-Level Radioactive Waste Management Act (Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, par. 241-6).
- 5) Effective Date of Amendments: June 10, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: June 7, 1991
- 9) Notice of Proposal Published in Illinois Register:
December 28, 1990, 14 Ill. Reg. 20573
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements between the Agency and the Joint Committee were necessary to resolve Joint Committee questions concerning this rulemaking.
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Amendment will update citations to building codes, design standards, OSHA standard's and U.S. Environmental Protection Agency regulations that are incorporated by reference. In addition, this amendment will amend the language in Sections 606.20 and 606.60 to conform to the language contained in the Illinois Low-Level Radioactive Waste Management Act. Finally, this amendment will correct a clerical error in subsection 606.60(c) by

changing the word "and" to the word "or" to accurately quote the statutory language.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Betsy Saius
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
785-9880

The full text of the Adopted Amendment begins on the next page:

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER d: LOW LEVEL RADIOACTIVE WASTE/TRANSPORTATION

PART 606
REQUIREMENTS FOR THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE
AWAY FROM THE POINT OF GENERATION

| | |
|---------|--|
| Section | Scope |
| 606.10 | Definitions |
| 606.20 | Requirements for Design, Construction, Operation, Monitoring, and Maintenance of the Low-Level Radioactive Waste Disposal Facility |
| 606.30 | Recordkeeping Requirements |
| 606.40 | Technical Qualifications of Personnel |
| 606.50 | Financial Responsibility of Facility Operator |
| 606.60 | Contingency Plan and Emergency Procedures |
| 606.70 | Closure, Post-Closure, Maintenance, and Institutional Care |
| 606.80 | Emergency Closure |
| 606.90 | |

AUTHORITY: Implementing and authorized by Section 6 of the Illinois Low-Level Radioactive Waste Management Act (Ill. Rev. Stat. ~~1987~~ 1989, ch. 111 $\frac{1}{2}$, par. 241-6).

SOURCE: Adopted at 12 Ill. Reg. 4824, effective March 1, 1988; amended at 12 Ill. Reg. 18171, effective October 31, 1988; amended at 15 Ill. Reg. 8958, effective June 10, 1991.

Section 606.20 Definitions

Except where otherwise indicated, the terms in this Part shall have the meaning provided in 32 Ill. Adm. Code 601. In addition, the following definitions shall apply:

- a) "Accepted engineering principles and practices" means those engineering principles and practices that are used by engineers when fulfilling their requirements and duties consistent with the specific requirements of this Part and as certified by a Professional Engineer licensed under the Illinois Professional Engineering Act (Ill. Rev. Stat. ~~1987~~ 1989, ch. 111, par. 5101).
- b) "Background Level" means the alpha, beta and gamma activity of radioactive elements which occur naturally in the air, water or soils at the facility site.

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- c) "Department" means the Illinois Department of Nuclear Safety.
- d) "Disposal Facility" means a parcel of land or site, together with structures, equipment and improvements on or appurtenant to the land or site, which is used or is being developed for the disposal of low-level radioactive waste. "Facility" does not include lands, sites, structures or equipment used by a generator in the generation of low-level radioactive wastes (Section 3 of The Act).
- e) "Disposal Module" means a discrete portion of the disposal unit, including waste, waste packages, and engineered features.
- f) "Disposal Unit" means a discrete portion of the disposal site into which waste is placed for disposal.
- g) "Low-Level Radioactive Waste" (or "Waste") means radioactive waste not classified as high-level radioactive waste as defined in Section 2 of the Nuclear Waste Policy Act of 1982, 42 U.S.C. 10101, transuranic waste, spent nuclear fuel or byproduct material as defined in Section 11e(2) of the Atomic Energy Act of 1954, 42 U.S.C. 2014. Except when otherwise indicated in the rules, low-level radioactive waste includes "mixed waste."
- h) "Mixed Waste" means waste that satisfies the definition of is both "hazardous waste" and "low-level radioactive waste" and contains hazardous waste that either as defined in this Act (Section 3 of The Act).
- 1) ~~is listed as a hazardous waste in Subpart D of 40 CFR 261 in effect as of July 1987, exclusive of subsequent amendments or editions; or~~
- 2) ~~causes the low level radioactive waste to exhibit any of the hazardous waste characteristics identified in Subpart C of 40 CFR 261, in effect as of July 1987, exclusive of subsequent amendments or editions. A copy of 40 CFR is available for inspection at the Department of Nuclear Safety.~~
- i) "Shallow Land Burial" means a land disposal facility in which radioactive waste is disposed of in or within the upper 30 meters of the earth's surface. However, this definition shall not include an enclosed, engineered, structurally re-enforced and solidified bunker that extends below the earth's surface (Section 3 of The Act).

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(Source: Amended at 15 Ill. Reg. 8958, effective June 10, 1991)

Section 606.30 Requirements for Design, Construction, Operation, Monitoring, and Maintenance of the Low-Level Radioactive Waste Disposal Facility

- a) Design and Construction of the Facility - Performance Objectives
- The disposal facility shall be designed and constructed, based on accepted engineering principles and practices, to further the following performance objectives:
- 1) The design and construction of the disposal facility shall utilize *the best available technology that is economically reasonable, technologically feasible, and environmentally sound for disposal of waste* (Section 6 of The Act).
 - 2) The design of the disposal facility must be compatible with the expected waste characteristics, methods of operation, and proposed methods of closure and stabilization and shall demonstrate that the requirements of 32 Ill. Adm. Code 601 will be met.
 - 3) The facility design shall allow closure in a manner that isolates the wastes and waste constituents and that requires only minor custodial care to assure long term performance.
 - 4) The disposal facility shall be designed and constructed to provide for the complete containment of waste and waste constituents.
 - 5) The disposal facility shall be designed and constructed to allow remedial action, if necessary. Achievement of this objective shall not be accomplished by compromising, or in any way lessening, the ability of the disposal facility to satisfy the performance objectives and requirements of this Part and of 32 Ill. Adm. Code 601.
 - 6) Disposal units shall be designed so that their engineered components will maintain their structural integrity and prevent release of waste and waste constituents.
- b) Design and Construction of the Facility - Requirements
- 1) The disposal facility design shall not incorporate the use of shallow land burial or underground injection wells and shall provide for the use of above-ground modules or other

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- designs to provide greater and safer confinement of low-level radioactive waste. The disposal facility shall meet the licensing requirements of 32 Ill. Adm. Code 601.
- 2) The facility shall be designed to accept waste for disposal for a period of at least 50 years. Requisite capacity shall be based on volume and activity projections available from the Department pursuant to Section 4 of The Act. The facility shall be designed to accommodate waste generated during the decommissioning of nuclear power stations in Illinois.
 - 3) The facility shall be designed for the disposal of both low-level radioactive waste and mixed waste.
 - 4) Support buildings (i.e., buildings at the facility other than those in which waste is disposed of) at the facility shall meet the following requirements:
 - A) All buildings shall be designed and constructed to be permanent in nature with an estimated lifetime of at least 60 years.
 - B) During the operational period of the facility, trailers and temporary buildings shall be limited to 12 months on site.
 - C) Buildings shall be designed, constructed and maintained in accordance with the following standards:
 - i) "Occupational Safety and Health Standards" of the Occupational Safety and Health Agency, 29 CFR 1910, Subparts A - Q and Subpart S, ~~April 1, 1987~~ July 1, 1990, exclusive of subsequent amendments. A copy of this material is available for inspection at the Department.
 - ii) "Safety and Health Regulations for Construction" promulgated by the Occupational Safety and Health Administration, 29 CFR 1926, ~~April 1, 1987~~ July 1, 1990, exclusive of subsequent amendments. A copy of this material is available for inspection at the Department.
 - iii) Uniform Building Code, published by the National Conference of Building Officials, current as of

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- ~~1985~~ 1988 and as amended by the 1990 Accumulative Supplement, but exclusive of subsequent amendments or editions. Copies of this Code can be obtained directly from the National Conference of Building Officials, 5360 S. Workman Mills Road, Whittier, CA 90601. A copy of this code is also available for inspection at the Department.
- iv) Uniform Mechanical Code, published by the National Conference of Building Officials, current as of ~~1985~~ 1988 and as amended by the 1990 Accumulative Supplement, but exclusive of subsequent amendments or editions. Copies of this Code can be obtained directly from the National Conference of Building Officials, 5360 S. Workman Mills Road, Whittier, CA 90601. A copy of this code is also available for inspection at the Department.
 - v) National Electric Code, published by the National Fire Protection Association, current as of ~~1984~~ 1990, exclusive of subsequent amendments or editions. Copies of this can be obtained directly from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. A copy of this code is also available for inspection at the Department.
 - vi) Minimum Design Loads for Buildings and Other Structures, ANSI A-58.1, 1982, published by American National Standards Institute, current as of ~~1982~~ ASCE 7-88, current as of July 1990, exclusive of subsequent amendments or editions. Copies of the standard can be obtained directly from the American National Standards Institute, 1430 Broadway, Society of Civil Engineers, 345 East 47th Street, New York, New York 10018 10017-2398. A copy of the standard is also available for inspection at the Department.
 - vii) Local Building Codes.
 - viii) In the event that two or more building standards conflict or apply, the most stringent standard shall be met.

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- 5) The disposal unit shall be designed and constructed to withstand all natural phenomena, such as precipitation, earthquakes, and tornadoes, which are expected to occur for five hundred years.
- 6) The disposal unit shall meet the following design requirements:
- A) Disposal modules shall be designed and constructed to incorporate multiple engineered safety features, such as, but not limited to, placing a cover over disposal modules, using backfill that adds structural strength to the module, and reinforcing modules with manufactured materials that are independently monitored and that provide structural support, prevent the release of waste and waste constituents, and prevent inadvertent intrusion (See 32 Ill. Adm. Code 601.20);
 - B) The disposal unit shall be modular, incorporating design elements that will allow operation of the facility in such a manner that the amount of waste on site that is not yet permanently disposed of, as well as the time that waste is held on site prior to disposal, will be minimized;
 - C) Disposal modules must be designed and constructed to accommodate waste that cannot be packaged in standard containers, e.g., reactor components, contaminated steel;
 - D) Disposal modules made of manufactured materials must be designed and constructed, using accepted engineering principles and practices, to ensure that the tensile stress in the manufactured materials never exceeds the level that will cause the materials to fail. Any support provided by structural reinforcement, such as steel or rebar, shall be taken into account only if the structural reinforcement is designed and constructed to ensure maintenance of the structural reinforcement's minimum required strength for the entire design life of the disposal module;
 - E) Disposal modules must be designed to maintain their structural integrity regardless of the physical form of the waste;

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- F) Disposal modules shall be designed and constructed so that water cannot infiltrate and remain in contact with waste packages;
 - G) Disposal modules must be constructed of materials that will not interact with each other, any surrounding earth, backfill, any cover material, or base grade material in such a manner as to compromise the ability of the materials to perform their intended function;
 - H) If intruder barriers are required by 32 Ill. Adm. Code 601.250(b), disposal modules must be designed and constructed, using accepted engineering practices, with intruder barriers designed to last at least 500 years;
 - I) Mixed waste shall be disposed of in modules that are designed, constructed, operated, closed, and monitored in compliance with both 32 Ill. Adm. Code 601 and 35 Ill. Adm. Code 724; and
 - J) Disposal module design shall allow characterization, modeling, analysis, and evaluation of the module's capability to contain waste.
- c) Operation and Maintenance - Performance Objective
- The low-level radioactive waste disposal facility shall be operated in a manner that reduces the risks associated with radiation to workers and the general public to levels that are as low as is reasonably achievable.
- d) Operation and Maintenance - Requirements
- 1) The facility shall be operated in compliance with following requirements applicable to licensees of the Department: 32 Ill. Adm. Code 200, 310, 320, 330, 340, 341, 400, and 601.
 - 2) Waste shall not be disposed of at the facility unless the waste complies with the applicable waste form standards.* Any waste received that is not in compliance with these standards shall either be treated prior to disposal or returned to the generator or broker, provided the waste packages comply with the packaging requirements of 32 Ill. Adm. Code 341. Wastes may be treated at the disposal facility only if the operator is licensed to engage in

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treatment activities. If the waste packages are not in compliance with the 32 Ill. Adm. Code 341, the operator shall either repackaging the waste for return or treat the waste so that it is in a form which is acceptable for disposal. The generator or broker who shipped the waste to the disposal facility shall be liable for any expense incurred due to repackaging or processing unacceptable waste forms, or for expenses incurred in shipping the waste back to the generator if required.

*AGENCY NOTE: Pursuant to Section 7 of the Illinois Low-Level Radioactive Waste Management Act (Ill. Rev. Stat. 1987 1989, ch. 111½, par. 241-7), the Department will be promulgating rules setting forth waste form standards.

3) Waste shall not be disposed at the facility unless the waste is accompanied by a proper manifest. In the event that waste is received at the facility without a proper manifest, the operator shall notify the Department and contact the shipper to obtain a proper manifest. In the event that a proper manifest cannot be obtained, the facility operator shall take such other action as the Department requires, such as, but not limited to, analyzing the contents of the unmanifested shipment and preparing a manifest reflecting the results, and with the approval of the Department, based on requirements contained in the license and the Department's rules, disposing of the waste, in accordance with the requirements imposed by the facility license, at the shipper's expense.

4) The facility shall be operated so that no person outside the facility boundary receives a radiation dose in excess of 1 millirem per year to the whole body as a result of the facility operations.

5) To the extent practicable, wastes shall be disposed of in containers of standard size and shape.

6) The facility shall be operated in a manner that reduces the amount of waste on site that has not yet been permanently disposed of and that minimizes the time the waste is held on site prior to disposal.

7) The facility operator shall provide personnel, equipment, and procedures for acquiring environmental samples and conducting on-site tests to detect any releases of

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radionuclides into the air, soil, water, and groundwater, as well as for monitoring radiation exposures to facility personnel in accordance with 32 Ill. Adm. Code 340.2020. In addition, the facility operator shall provide for environmental sampling and testing to detect releases of waste or waste constituents into the air, soil, and water which are either, listed as hazardous in Subpart D of 40 CFR 261, or cause the waste to exhibit any of the hazardous waste characteristics identified in Subpart C of 40 CFR 261. 40 CFR 261 is incorporated as of July 1, 1987 1990, exclusive of subsequent amendments or editions. A copy of 40 CFR 261 is available for inspection at the Department of Nuclear Safety.

8) The facility operator shall not accept waste at the facility until the waste shipment has been inspected and approved by the Department, as required by Section 9(e) of The Act. The operator shall provide office space, not smaller than 20 feet by 20 feet, in a building located near the gate where waste is received, to be used by the resident inspector from the Department. The operator will maintain the building and supply electricity, heat, air conditioning, water, and restroom facilities.

9) The facility operator shall maintain a direct data link with the Department's offices in Springfield and shall transmit to the Department facility records regarding the receipt, handling, and disposition of low-level radioactive waste as required by this Part.

10) The facility operator shall maintain a public documents room.

11) The facility operator shall maintain a public information center in the community where the facility is located.

12) The facility operator shall make all records of facility operations available upon request of the Department pursuant to its authority under Section 8 of The Act and Section 8-11 27 of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1987, ch. 111½, par. 218-11 P.A. 86-1341, effective September 7, 1990) and shall provide access to every part of the facility to representatives of the Department.

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- e) Facility Monitoring - Performance Objective
- The low-level radioactive waste disposal facility shall include a monitoring system, which, based on accepted engineering principles and practices, is capable of determining compliance with this Part and 32 Ill. Adm. Code 601.
- f) Facility Monitoring - Requirements
- 1) The disposal facility shall include a monitoring system for detecting releases of radioactive or hazardous material within the disposal modules during facility operations.
 - 2) The disposal facility shall include a monitoring system for detecting releases of radioactive or hazardous materials from the disposal unit.
 - 3) The disposal facility shall include a monitoring system capable of detecting releases of radioactive or hazardous materials from the facility.
 - 4) The disposal facility shall include a monitoring system capable of detecting releases into the air, soil, surface water and groundwater.
- g) Maintenance
- 1) The facility operator shall conduct a program of in-situ testing of the design and construction of disposal modules. The in-situ testing program shall continue during the period of operation, and closure. The program shall be designed to provide additional information regarding the expected long term performance of the facility, to identify any deficiencies or defects in design and construction of disposal units, and to form the basis for recommending changes on design, construction, and operation of the facility that would increase the safety or efficiency of waste disposal.
 - 2) The facility operator shall, at all times, maintain the facility structures and equipment to promote occupational safety and worker protection, and to assure uninterrupted operation of the facility.

(Source: Amended at 15 Ill. Reg. 8958, effective June 10, 1991)

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- Section 606.60 Financial Responsibility of Facility Operator
- a) The facility operator shall meet either of the following tests to establish that it has the financial resources necessary to meet its financial obligations established under 32 Ill. Adm. Code 601, and the Illinois Low-Level Radioactive Waste Management Act.
- 1) Test One: The operator must have:
 - A) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization of total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and
 - B) Net working capital and tangible net worth each at least six times the sum of the closure and post-closure costs estimates provided in the license application as required by 32 Ill. Adm. Code 601.310; and
 - C) Tangible net worth of at least \$10 million; and
 - D) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the closure and post-closure estimates contained in license application.
 - 2) Test Two: The operator must have:
 - A) A current rating for its most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor or Aaa, Aa, A or Baa as issued by Moody; and
 - B) Tangible net worth at least six times the sum of the closure and post-closure cost estimates contained in the license application as required by 32 Ill. Adm. Code 601.310; and
 - C) Tangible net worth of at least \$10 million; and
 - D) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the closure and post-closure cost estimates contained in the proposal.

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- b) When determining whether the facility operator has satisfied the financial requirements of subsection (a), the Department shall apply the accounting standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants current as of July 1, 1987, exclusive of subsequent amendments or editions.
- c) The facility operator shall post a performance bond with the Department and or show evidence of liability insurance or other means of establishing financial responsibility in an amount sufficient to adequately provide for any necessary remedial actions or liabilities that might be incurred by the operation of a facility during the operating period and during a reasonable period of post-closure care (Section 6(b) of The Act).

(Source: Amended at 15 Ill. Reg. 8958, effective June 10, 1991)

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- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.420 Amendment
140.421 Amendment
140.Table D Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) Effective Date of Adopted Amendments: June 17, 1991
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 17, 1991
- 9) Notices of Proposal Published in Illinois Register: February 1, 1991 (15 Ill. Reg. 1414)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: In Section 140.421, reinstated Paragraph f which had been deleted in error. "Full mouth series of x-rays are covered only once every three years." This is now entitled Paragraph e. Modified Section 140.Table D(e) to read: "Periodontal Treatment applicable only to those adults who reside in ICF/DD facilities; . . ." Placed a comma between "treatment" and "x-rays" in Section 140.Table D(d)(2). Deleted the first "items" in Section 140.422 of the Index.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

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| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|---|
| 140.3 | Amendment | April 19, 1991 (15 Ill. Reg. 5585) |
| 140.7 | Amendment | April 19, 1991 (15 Ill. Reg. 5585) |
| 140.11 | Amendment | May 10, 1991 (15 Ill. Reg. 6949) |
| 140.17 | Amendment | November 30, 1990 (14 Ill. Reg. 18982) |
| 140.71 | Amendment | December 21, 1990 (14 Ill. Reg. 20170) |
| 140.460 | Repealed | April 5, 1991 (15 Ill. Reg. 4903) |
| 140.461 | Repealed | April 5, 1991 (15 Ill. Reg. 4903) |
| 140.462 | Repealed | April 5, 1991 (15 Ill. Reg. 4903) |
| 140.463 | Repealed | April 5, 1991 (15 Ill. Reg. 4903) |
| 140.465 | Repealed | April 5, 1991 (15 Ill. Reg. 4903) |
| 140.560 | Amendment | April 19, 1991 (15 Ill. Reg. 5585) |
| 140.561 | Amendment | May 17, 1991 (15 Ill. Reg. 7482) |
| 140.569 | Amendment | June 14, 1991 (15 Ill. Reg. 8656) |
| 140.850 | New Section | December 14, 1990 (14 Ill. Reg. 19592) |
| 140.855 | New Section | December 14, 1990 (14 Ill. Reg. 19592) |
| 140.860 | New Section | December 14, 1990 (14 Ill. Reg. 19592) |

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| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|---|
| 140.865 | New Section | December 14, 1990 (14 Ill. Reg. 19592) |
| 140.870 | New Section | December 14, 1990 (14 Ill. Reg. 19592) |
| 140.875 | New Section | December 14, 1990 (14 Ill. Reg. 19592) |
| 140.880 | New Section | December 14, 1990 (14 Ill. Reg. 19592) |
| 140.885 | New Section | December 14, 1990 (14 Ill. Reg. 19592) |
| 140.890 | New Section | December 14, 1990 (14 Ill. Reg. 19592) |
| 140.895 | New Section | December 14, 1990 (14 Ill. Reg. 19592) |
| 140.Table K | New Section | December 14, 1990 (14 Ill. Reg. 19592) |
| 140.Table L | New Section | December 14, 1990 (14 Ill. Reg. 19592) |

15) Summary and Purpose of Adopted Amendments: Because of federal interpretation of their own regulations, the Department is changing the manner in which reimbursement is made for certain dental services provided to adults in ICF/MR facilities. Rather than paying dentists directly, the Department will include the cost of such services in affected facilities' rates. The facilities in turn will reimburse dentists for these services. The increase in rates paid nursing facilities as a result of this rulemaking is estimated to increase the Department's aggregate expenditures for facilities by \$500,000.00 in Fiscal Year 1991.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel Leikvold
Office of the General Counsel

DEPARTMENT OF PUBLIC AID

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Address:

Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone:

(217) 782-1233

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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Pregnant Women Who Would Be Eligible if the Child
Were Born and Pregnant Women and Infants Under Age
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| Section | Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified) |
| 140.940 | Definition of Terms (Recodified) |
| 140.942 | Notification of Negotiations (Recodified) |
| 140.944 | Hospital Participation in ICARE Program Negotiations (Recodified) |
| 140.946 | Negotiation Procedures (Recodified) |
| 140.948 | Factors Considered in Awarding ICARE Contracts (Recodified) |
| 140.950 | Closing an ICARE Area (Recodified) |
| 140.952 | Administrative Review (Recodified) |
| 140.954 | Payments to Contracting Hospitals (Recodified) |
| 140.956 | |

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| Section | Admitting and Clinical Privileges (Recodified) |
| 140.958 | Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified) |
| 140.960 | Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified) |
| 140.962 | Contract Monitoring (Recodified) |
| 140.964 | Transfer of Recipients (Recodified) |
| 140.966 | Validity of Contracts (Recodified) |
| 140.968 | Termination of ICARE Contracts (Recodified) |
| 140.970 | Hospital Services Procurement Advisory Board (Recodified) |
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| TABLE A | Meditech Recommended Screening Procedures (Repealed) |
| TABLE B | Health Service Areas |
| TABLE C | Capital Cost Areas |
| TABLE D | Schedule of Dental Procedures |
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| TABLE H | Areas of Major Life Activity |
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| TABLE J | HSA Grouping |

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1,

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1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 23218, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128,

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effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1742, effective October 24, 1986; amended at 10 Ill. Reg. 21784, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg.

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17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981,

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effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.420 Dental Services

- a) Payment for dental services shall be made only to licensed dentists. Payment for comprehensive orthodontic care shall be made only to a dentist licensed for provision of such services.
- b) Except for the "services not covered" specified below, payment shall be made for dental services that are:
 - 1) Necessary to relieve pain or infection, preserve teeth, or restore adequate dental function.
 - 2) Diagnostic, preventive, or restorative services, endodontics, prosthodontics, orthodontics or oral surgery included in the Department's Schedule of Dental Procedures (see Table D at the end of this Part);
 - 3) Performed by the dentist or under the direct supervision of the dentist.
- c) Services for which payment shall not be made include:
 - 1) Routine or periodic examination other than:
 - A) Initial examinations;
 - B) Required school examinations;

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Section 140.420 Dental Services (Cont'd.)

- C) Periodic examinations for children with minimum of 12 months having elapsed since initial or previous periodic examination;
- 2) Partial dentures, bridges, pontics for adults (persons over age 20);
- 3) Orthodontics, posterior endodontics, apexification (a procedure to close an open end of a root) and periodontics for adults;
- 4) Experimental dental care;
- 5) Procedures performed only for cosmetic reasons;
- 6) Acrylic crown;
- 7) Fluoride for adults;
- 8) Space maintainers for adults;
- 9) Alveoloplasty (surgical preparation of gum ridge for dentures) and frenulectomy (cutting through soft tissue impeding tongue movement) for adults.

(Source: Amended at 15 Ill. Reg. 8972, effective June 17, 1991)

Section 140.421 Limitations on Dental Services

- a) Prior approval is required for:
 - 1) Space maintainers (will not be approved if an adult as defined in Section 140.420);
 - 2) Crowns;
 - 3) Endodontics;
 - 4) Periodontics;
 - 5) Dentures;
 - 6) Bridgework;
 - 7) Orthodontics (to be approved, the procedure must be to treat a severe handicapping malocclusion or

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Section 140.421 Limitations on Dental Services (Cont'd.)

- a handicapping dento-facial deformity);
 - 8) Extraction of impacted teeth;
 - 9) Alveoloplasty (will not be approved if an adult as defined in Section 140.420);
 - 10) Cyst excisions;
 - 11) Frenulectomy (will not be approved if an adult as defined in Section 140.420);
 - 12) Analgesia (nitrous oxide);
 - 13) Dental services not included in the Department's Schedule of Dental Procedures (See Table D at the end of this Part).
 - b) The dentist may request post-approval when a dental procedure requiring prior approval is provided on an emergency basis. Approval of the procedures shall be given if, in the judgment of a consulting dentist of the Department or a consulting dental service, the procedure is necessary to prevent dental disease or to restore and maintain adequate dental function to assure good bodily health and the well-being of the patient.
 - c) Payment for complete and partial dentures is limited to one set every three years; payment for a bridge is limited to once in five years. Bridgework will be reimbursed only if there has not been placement of a partial denture within the prior three years.
 - d) Root canals, apexification, and apicoectomy procedures are covered for children for anterior teeth, bicuspid, and permanent first molars. Root canals are covered for adults only for anterior teeth.
 - e) ~~Periodontal treatment is covered for children and for these adults who reside in ICF/DD facilities.~~
 - f) Full mouth series of x-rays are covered only once every three years.
- (Source: Amended at 15 Ill. Reg. 8972, effective June 17, 1991)

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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT
EQUITY (ICARE) PROGRAM

Section 140. Table D Schedule of Dental Procedures (Cont'd.)

Section 140. Table D Schedule of Dental Procedures

a) Diagnostic

1) Clinical Oral Examinations

A) Initial oral examination

B) Periodic oral examination for individuals through age 20 (minimum of 12 months required since most recent dental examination)

C) School examination as required by Illinois School Code (Section 1-1 et seq. of The School Code, Ill. Rev. Stat. 1987-1989, ch. 122, par. 1-1 et seq.)

2) Radiographs

A) Intraoral--complete series (including bitewings)

B) Intraoral periapical--single, first film

C) Intraoral periapical--one additional film

D) Intraoral periapical--two additional films

E) Intraoral periapical--three additional films

F) Intraoral periapical--four additional films

G) Intraoral periapical--five additional films

H) Intraoral periapical--six additional films

I) Intraoral periapical--seven additional films

J) Intraoral periapical--eight or more additional films

K) Bitewing--single film

L) Bitewings--two films

M) Bitewings--three films

N) Bitewings--four films

O) Panoramic--maxilla and mandible, film

P) Panoramic--one tooth treated

Q) Panoramic--two teeth treated

R) Panoramic--three teeth treated

S) Panoramic--four teeth treated

T) Panoramic--five teeth treated

U) Panoramic with bitewings (and anterior periapicals as needed)

b) Preventive

1) Dental Prophylaxis

Children (beginning at age 2 through age 20)
Adults (applicable only to those adults who reside in ICF/DD facilities)

2) Fluoride Treatments

Topical application of acid fluoride phosphate--one treatment (excluding prophylaxis) (beginning at age 2 through age 20)

3) Space Management Therapy (use of appliances to maintain space for tooth eruption)

A) Fixed--unilateral type

B) Fixed--bilateral type

C) Removable bilateral type

D) Recementation of space maintainer

c) Restorative

1) Amalgam Restorations (including polishing)

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Section 140. Table D Schedule of Dental Procedures (Cont'd.)

- A) Amalgam--one surface, deciduous
- B) Amalgam--two surfaces (separate fillings), deciduous
- C) Amalgam--three surfaces (separate fillings), deciduous
- D) Amalgam--four surfaces (separate fillings), deciduous
- E) Amalgam--five surfaces (separate fillings), deciduous
- F) Amalgam--one two-surface filling, deciduous
- G) Amalgam--two two-surface fillings, deciduous
- H) Amalgam--one three-surface filling, deciduous
- I) Amalgam--one four-surface filling, deciduous
- J) Amalgam--one surface, permanent
- K) Amalgam--two surfaces (separate fillings), permanent
- L) Amalgam--three surfaces (separate fillings), permanent
- M) Amalgam--four surfaces (separate fillings), permanent
- N) Amalgam--five surfaces (separate fillings), permanent
- O) Amalgam--one two-surface filling, permanent
- P) Amalgam--two two-surface fillings, permanent
- Q) Amalgam--one three-surface filling, permanent
- R) Amalgam--one four or more-surface filling, permanent
- S) Pin retention--exclusive of amalgam

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Section 140. Table D Schedule of Dental Procedures (Cont'd.)

- 2) Acrylic or Plastic Restorations
 - A) Composite resin--one surface
 - B) Composite resin--two surfaces (separate fillings)
 - C) Composite resin--three surfaces (separate fillings)
 - D) Composite resin--four surfaces (separate fillings)
 - E) Composite resin--five surfaces (separate fillings)
 - F) Composite resin--one two-surface filling
 - G) Composite resin--two two-surface fillings
 - H) Composite resin--one three or more-surface filling
 - I) Composite resin (involving incisal angle)
 - J) Pin retention--exclusive of composite resin
- 3) Crowns--Single Restorations Only
 - A) Plastic--prefabricated
 - B) Prefabricated stainless steel--primary
 - C) Prefabricated stainless steel--permanent
 - D) Prefabricated post and core in addition to crown
- 4) Other Restorative Services
 - A) Recement inlays
 - B) Recement crowns
 - C) Fillings (sedative)

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Section 140. Table D Schedule of Dental Procedures (Cont'd.)

d) Endodontics

- 1) Pulpotomy (excluding final restoration) Vital pulpotomy (including bases and x-rays)
- 2) Root Canal Therapy (includes treatment plan, treatment, x-rays, clinical procedures and follow-up care; excludes final restoration)
 - A) One Canal -- traditional technique
 - B) One Canal -- Sargenti technique
 - C) Two Canals -- traditional technique
 - D) Two Canals -- Sargenti technique
 - E) Three Canals -- First Permanent Molar -- traditional technique
 - F) Three Canals -- First Permanent Molar -- Sargenti technique

G) Apexification

3) Periapical Services

Apicoectomy--performed as separate surgical procedure (per root)

e) Periodontics

Periodontal Treatment (applicable only to children and to these adults who reside in IC/DP facilities; requires submission of prescribed course of treatment and usual and customary charge)

f) Prosthodontics, Removable

- 1) Complete Dentures--including six months' post delivery care

- A) Complete upper
- B) Complete lower

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Section 140. Table D Schedule of Dental Procedures (Cont'd.)

- 2) Partial Dentures--including six months' post delivery care

- A) Upper--without clasps, acrylic base
- B) Lower--without clasps, acrylic base
- C) Upper--with two chrome clasps with rests, acrylic base
- D) Lower--with chrome clasps with rests, acrylic base
- E) Lower--with chrome lingual bar & two clasps, acrylic base
- F) Upper--with chrome palatal bar & two clasps, acrylic base

3) Non-Delivered Dentures

- A) Non-delivery, Full Denture
- B) Non-delivery, Claspless Partial Denture
- C) Non-delivery, Partial Denture, Two Clasps
- D) Non-delivery, Partial Denture, Two Clasps and Lingual or Palatal Bar

4) Repairs to Dentures

- A) Repair broken complete or partial denture--no teeth damaged
- B) Repair broken complete or partial denture--replace one broken tooth
- C) Replace additional teeth--each tooth
- D) Replace broken tooth on denture--no other repairs
- E) Adding tooth to partial denture to replace extracted tooth--each tooth (not involving clasp or abutment tooth)

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Section 140. Table D Schedule of Dental Procedures (Cont'd.)

- 5) Denture Relining
- A) Relining upper complete denture (laboratory)
 - B) Relining lower complete denture (laboratory)
 - C) Relining upper partial denture (laboratory)
 - D) Relining lower partial denture (laboratory)
- g) Prosthodontics, Fixed
- 1) Bridge Pontics
 - A) Porcelain fused to nonprecious metal
 - B) Plastic processed to nonprecious metal
 - 2) Crowns
 - A) Resin with predominantly base metal
 - B) Porcelain fused to metal
 - 3) Other Prosthetic Services
 - A) Recement bridge
 - B) Dowel pin--metal
- h) Oral Surgery
- 1) Extractions
 - A) Single tooth
 - B) Each additional tooth
 - 2) Surgical Extractions
 - A) Surgical removal of erupted tooth, requires elevation of mucoperiosteal flap and removal of bone and/or section of tooth
 - B) Extraction, soft tissue impaction

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Section 140. Table D Schedule of Dental Procedures (Cont'd.)

- C) Extraction, partial bone impaction
 - D) Extraction, complete bone impaction
 - E) Root recovery (surgical removal of residual root)
- 3) Other Surgical Procedures
- Surgical exposure of impacted or unerupted tooth to aid eruption
- 4) Alveoloplasty (surgical preparation of ridge for dentures)
- A) One quadrant
 - B) Two quadrants
 - C) Three quadrants
 - D) Four quadrants
- 5) Removal of Cysts and Neoplasms
- A) Removal of odontogenic cyst or tumor--up to 1.25 cm in diameter
 - B) Removal of odontogenic cyst or tumor--over 1.25 cm in diameter
 - C) Removal of nonodontogenic cyst or tumor--up to 1.25 cm in diameter
 - D) Removal of nonodontogenic cyst or tumor--over 1.25 cm in diameter
- 6) Treatment of Fractures--simple
- A) Maxilla--open reduction, teeth immobilized (if present)
 - B) Maxilla--closed reduction, teeth immobilized (if present)

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Section 140. Table D Schedule of Dental Procedures (Cont'd.)

C) Mandible--open reduction, teeth immobilized (if present)

D) Mandible--closed reduction, teeth immobilized (if present)

7) Treatment of Fractures--compound

A) Maxilla--open reduction

B) Maxilla--closed reduction

C) Mandible--open reduction

D) Mandible--closed reduction

8) Reduction of Dislocation

A) Open reduction of dislocation

B) Closed reduction of dislocation

9) Other Oral Surgery

Frenulectomy--separate procedure (frenectomy or frenotomy)

i) Orthodontics

Comprehensive Orthodontic Treatment

1) Initial examination, records, radiographs, study models and facial photographs

2) Initial orthodontic appliance

3) Each month of treatment

4) Initial orthodontic evaluation (describe extent of evaluation)

j) Adjunctive General Services

1) Unclassified Treatment

Palliative (emergency) treatment of dental pain, minor procedures

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Section 140. Table D Schedule of Dental Procedures (Cont'd.)

2) Anesthesia

A) General

B) Analgesia

C) Intravenous sedation

3) Professional Consultation--(diagnostic service provided by dentist other than practitioner providing treatment)

Consultation

4) Drugs

A) Therapeutic drug injection

B) Other drugs and/or medicaments

5) Miscellaneous Services

Unspecified (by report to be described by statement of attending dentist)

(Source: Amended at 15 Ill. Reg. 8972, effective June 17, 1991)

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NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Number: Adopted Action: 147.200 Amendment
- 4) Statutory Authority: Sections 5-5 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5 et seq. and 12-13)
- 5) Effective Date of Adopted Amendment: June 17, 1991
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 17, 1991
- 9) Notices of Proposal Published in Illinois Register: February 22, 1991 (15 Ill. Reg. 2919)
- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No.
- 11) Differences between proposal and final version: In 147.200(b)(1)(E) closed the parens after the statutory citation.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|--|
| 147.5 | Amendment | January 25, 1991 (15 Ill. Reg. 870) |
| 147.24 | Amendment | January 25, 1991 (15 Ill. Reg. 870) |

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| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|--|
| 147.25 | Amendment | January 25, 1991 (15 Ill. Reg. 870) |
| 147.50 | Amendment | January 25, 1991 (15 Ill. Reg. 870) |
| 147.75 | Amendment | January 25, 1991 (15 Ill. Reg. 870) |
| 147.Table C | New Section | January 25, 1991 (15 Ill. Reg. 870) |
| 147.Table D | New Section | January 25, 1991 (15 Ill. Reg. 870) |
| 147.Table E | New Section | January 25, 1991 (15 Ill. Reg. 870) |
| 147.Table F | New Section | January 25, 1991 (15 Ill. Reg. 870) |
| 147.Table G | New Section | January 25, 1991 (15 Ill. Reg. 870) |
| 147.Table H | New Section | January 25, 1991 (15 Ill. Reg. 870) |
| 147.Table I | New Section | January 25, 1991 (15 Ill. Reg. 870) |

- 15) Summary and Purpose of Adopted Amendment: This rulemaking updates the Illinois Department of Public Aid (IDPA) rules to reflect changes in the Illinois Department of Public Health's course prerequisites for Developmental Disabilities Aide and Habilitation Aide. These changes expand the number of courses that can be used to satisfy prerequisite requirements.

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Daniel Leikvold
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147

REIMBURSEMENT FOR NURSING COSTS FOR
GERIATRIC FACILITIES

Section
147.5

Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
Comprehensive Resident Assessment
Functional Needs and Restorative Care
Service Needs
Definitions
Reconsiderations
Midnight Census Report
Times and Staff Levels
Statewide Rates
Referrals
Basic Rehabilitation Aide Training Program
Nursing Rates
Costs Associated with the Omnibus Budget
Reconciliation Act of 1987 (Emergency Expired)
Determination of Program (Specialized Services) Costs

147.300

147.305

147.310

147.315

147.320

147.325

147.330

147.335

147.340

147.345

147.350

TABLE A

TABLE B

Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities
Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness
Comprehensive Functional Assessments and Reassessments
Interdisciplinary Team (IDT)
Comprehensive Care Plan (CCP)
Specialized Care - Administration of Psychopharmacologic Drugs
Specialized Care - Behavioral Emergencies
Discharge Planning
Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness
Reimbursement for Additional Program Costs Associated with Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities
Staff Time and Allocation by Need Level (Emergency Expired)
Staff Time and Allocation for Restorative Programs

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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140. Table H and 140. Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 147.200 Basic Rehabilitation Aide Training Program

- a) Prior to a resident being given credit on the Illinois Assessment of Needs (IPA 2700) for occupational rehabilitation level three (3) (see Section 147.50(d)(10)(B)(iii)) and/or physical rehabilitation level three (3) (see Section 147.50(d)(12)(B)(iii)), the rehabilitation aide providing the service must meet one of the following conditions:
- 1) Successful completion (score of 75% or more) of the Occupational or Physical Rehabilitation Aide Proficiency Examination administered by the Department of Public Aid in October 1986 for the area in which the aide is to be employed; or

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- 2) Successful completion of an IDPA approved 24 hour Occupational or Physical Rehabilitation Aide Training Program for the area in which the aide is to be employed; or
 - 3) Be a nurse licensed under the Illinois Nursing Act (Ill. Rev. Stat. 1985, 1989, ch. 91 1/2, par. 3401 et seq.) who has received a "Certificate of Completion" from an IDPH approved rehabilitation course.
- b) Course Prerequisites
- 1) Occupational Rehabilitation Aide (ORA).
 - A) Certified nurse aide (see 77 Ill. Adm. Code 300-660-395.300); or
 - B) An ORA currently enrolled in an IDPH Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code 300-660-395.300), but must hold a validated certificate from IDPH prior to functioning as an ORA after January 1, 1987; or
 - C) A related associate degree or two (2) years of college in one of the following areas:

- i) Biological Science
- ii) Communication
- iii) Education
- iv) Medical Technology
- v) Nursing.
- vi) Psychology
- vii) Recreation Therapy
- viii) Art Therapy
- ix) Music Therapy

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- x) Dance Therapy
- xi) Horticulture Therapy
- xii) Sociology
- xiii) Gerontology, or
- D) Successful completion of an IDPH approved 36 hour activity course; or
- E) Developmental Disabilities Aide (see 77 Ill. Adm. Code 395.310); or
- F) An ORA currently enrolled in an IDPH Developmental Disabilities Aide Training Program (see 77 Ill. Adm. Code 395.310); or
- G) Basic Child Care/Habilitation Aide (see 77 Ill. Adm. Code 395.320); or
- H) An ORA currently enrolled in an IDPH Basic Child Care/Habilitation Aide Training Program (see 77 Ill. Adm. Code 395.320).
- 2) Physical Rehabilitation Aide (PRA).
 - A) Certified Nurse Aide (see 77 Ill. Adm. Code 390-660-395.300); or
 - B) A PRA currently enrolled in an IDPH Basic Nursing Assistance Training Program (see 77 Ill. Adm. Code-390-660-395.300) but must hold a validated certificate from IDPH prior to functioning as a PRA after January 1, 1987; or
 - C) Successful completion, as determined by the educational institution, of one year of education in a curriculum leading to credentials as a registered nurse (RN) or a licensed practical nurse (LPN); or
 - D) Developmental Disabilities Aide (see 77 Ill. Adm. Code 395.310); or

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- E) A PRA currently enrolled in an IDPH Developmental Disabilities Aide Training Program (see 77 Ill. Adm. Code 395.310); or
- F) Basic Child Care/Habilitation Aide (see 77 Ill. Adm. Code 395.320); or
- G) A PRA currently enrolled in an IDPH Basic Child Care/Habilitation Aide Training Program (see 77 Ill. Adm. Code 395.320).
- c) Criteria for a IDPA Approved Basic Rehabilitation Aide Training Program is as follows:
 - 1) Application Procedures.

The following information must be furnished to the Department at least sixty (60) days in advance of the training program. Each program sponsor providing its own training must apply for individual program approval. Retroactive approval will not be granted.

 - A) Program rationale, i.e., philosophy, purpose and brief summary of the identified sponsoring agency and faculty qualifications.
 - B) Complete outline which specifies program title, objectives, content, and methodology delineated by hour. The instructor has flexibility of teaching content in desired outline.
 - C) Location and scheduled dates of program (including future dates). If programs are canceled or rescheduled for any reason, the Department must be notified prior to delivery date for purposes of monitoring.
 - D) A copy of the evaluation tool for participant use must be included. The evaluation tool must evaluate the objectives, content, and instructors.
 - 2) Submitted materials will be reviewed by the Department and the program sponsor will be

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Section 147.200 Basic Rehabilitation Aide Training Program (Cont'd)

notified of the Department's action. Approval will be based upon the compliance of the submitted materials with the requirements of this section. If the program is not approved, the reason for this decision will be given to the program sponsor.

- 3) If a program is not approved, the program sponsor may, after making the appropriate modifications, reapply for approval.
- 4) Orientation to the specific policies of the employing agency shall be in addition to the twenty four (24) hours of instruction.
- 5) Any change in content, objectives, or instructional staff must be submitted for review.
- 6) All approved training programs must be resubmitted prior to 30 days of the annual anniversary date of the program's approval for continued approval. In the resubmission process, the program sponsor must submit the information specified in Section 147-200 subsection (c)(1). Approval will be based upon compliance of the submitted materials with the requirements of this section. In the resubmissions process, the program sponsor shall refer to the number assigned by the Department.

- 7) Each instructor is to provide 10 questions with answers that cover the course content. The questions and answers will become a bank of questions and answers which will be developed into a non-credit post-examination. This examination will be given by the instructor upon completion of the course to evaluate the effectiveness of training and demonstrate the students competency to the instructor.

d) Instructor Qualifications and Requirements

- 1) The Occupational Rehabilitation Aide Training Program Instructor shall be a Registered Occupational Therapist with a current Illinois license (see Ill. Rev. Stat. 19851982, ch. 111,

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Section 147.200 Basic Rehabilitation Aide Training Program (Cont'd)

par. 3701 et seq.) who has no other duties during the hours while engaged in instruction of the training program, and who has had a minimum of three (3) years experience with at least two (2) years experience working with geriatrics in a non-acute setting.

- 2) The Physical Rehabilitation Aide Training Program Instructor shall be a physical therapist with a current or pending Illinois license (see Ill. Rev. Stat. 19851982, ch. 111, par. 4251 et seq.) who has no other duties during the hours while engaged in instruction of the training program, and who has had a minimum of three (3) years experience with at least two (2) years experience working with geriatrics in a non-acute setting.

- 3) Instructor vitae must be submitted and a copy of his/her current license or verification from the Department of Registration and Education of pending licensure.

e) Course Requirements

- 1) The basic content must be presented in a minimum time frame of three (3) days but not to exceed a maximum of twenty one (21) days unless it is being done by a educational institution (e.g. four year college or university, two year community college, or vocational school) on a term, semester or trimester basis. A ratio of two (2) hours of didactic instruction to one (1) hour of experiential learning exercises must be reflected in the twenty four (24) hours minimum of training. Term, semester and trimester courses may be submitted by an educational institution. The program must include designated hours for each method of teaching.

- 2) The Basic Occupational Rehabilitation Aide Training Program shall include at a minimum:

A) Module I: Purpose and philosophy.

- i) Define the objectives of the occupational rehabilitation program.

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(Cont'd)

Upon completion of this unit of instruction, the student will be able to: Differentiate among habilitation, rehabilitation, and occupational therapy; and understand the philosophy of habilitation, rehabilitation and occupational therapy.

ii) Identify the concepts of rehabilitation. Upon completion of this unit of instruction, the student will be able to: Discriminate rehabilitation from restorative measures; identify purpose of the restorative measures; identify purpose of rehabilitation measures; and list four compensatory techniques.

iii) Understand the relationship of Occupational Rehabilitation to other long term care facility departments. Upon completion of this unit of instruction, the student will be able to: Match the department name with a description of its function; and list three forms of communication used by the facility to develop an interdisciplinary approach to resident care.

iv) Understand standards of conduct with residents, family, friends, and other staff. Upon completion of this unit of instruction, the student will be able to: Define the purpose of confidentiality; identify appropriate responses to be used with family/friends of residents; identify appropriate responses to resident's behavior; understand need for separation of work and home life; understand the difference between empathy and sympathy; understand ethical responsibility; define fraud; and examine methods to be used to deal

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(Cont'd)

with situations that may require applications of ethical responsibility.

B) Module II: Overview of policies.

i) Understand procedures pertaining to Occupational Rehabilitation. Upon completion of this unit of instruction, the student will be able to: Define the characteristics of appropriate candidates; and understand general admission and discharge criteria.

ii) Understand program documentation requirements. Upon completion of this unit of instruction, the student will be able to: identify the role of documentation; have an awareness of techniques used in screening and assessment; define common medical terminology/abbreviations; read an evaluation/treatment plan; identify components of care plans; and explain ORA's methods of communication of information to the OTR/L.

C) Module III: Specific Occupational Rehabilitation techniques.

i) Develop an awareness of the physical component skills necessary to carry out ADL tasks. Upon completion of this unit of instruction, the student will be able to: Define and describe physical deficits that lead to ADL dysfunction, namely Cardiovascular Accident, Arthritis, Parkinson's, Multiple Sclerosis, Diabetes, Fractures/Amputations, Alzheimer's disease and related disorders, and Developmental Disabilities; and have had an opportunity to experience procedures and suggested activities used for remediation and compensation for physical deficits.

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- ii) Develop an awareness of the sensory problems that lead to ADL dysfunction. Upon completion of this unit of instruction, the student will be able to: Define and describe sensory deficits that lead to ADL dysfunction, namely Cardiovascular Accident, Arthritis, Parkinson's, Multiple Sclerosis, Diabetes, Fractures/Amputations, Alzheimer's disease and related disorders, and Developmental Disabilities; have had an opportunity to experience procedures and suggested activities used for remediation and compensation of sensory loss; and expand student's knowledge of techniques used by the ORA to improve resident's functioning and compensate for loss of function or to adapt to permanent loss.
- iii) Develop an awareness of perceptual/integration components that lead to ADL dysfunction. Upon completion of this unit of instruction, the student will be able to: Have an awareness of perceptual/integrative deficits that lead to ADL dysfunction, namely body image/scheme, agnosia, apraxias, figure/ground, midline, perseveration, and sequencing; and have had an opportunity to experience procedures and suggested activities used for remediation and compensation of perceptual/integrative dysfunction.
- iv) Develop an awareness of cognitive deficits that lead to ADL dysfunction. Upon completion of this unit of instruction, the student will be able to: Identify components of cognition, namely memory, attention span, ability to learn new tasks, problem solving, and judgment; and have had an opportunity to experience procedures and suggested activities used for

remediation and compensation for ADL dysfunction.

- v) Develop an understanding of the role that motivation and interest play in the rehabilitation process. Upon completion of this unit of instruction, the student will be able to: Identify techniques used to gain and hold resident's interest; and identify techniques used to motivate resident.

- vi) Understand the deficits of disease, disability and the aging process. Upon completion of this unit of instruction, the student will be able to: Describe and identify symptomatology of the following conditions: Arthritis, Parkinson's, Multiple Sclerosis, Diabetes, Fractures/Amputations, Alzheimer's disease and related disorders, and Developmental Disabilities; and have had an opportunity to experience procedures, adaptation techniques, equipment and environment to enhance independence in ADLs related to enhancing deficit areas.

- vii) Learn body mechanics and methods of positioning residents. Upon completion of this unit of instruction, the student will be able to: Demonstrate principles of proper positioning in bed, chair and standing; and demonstrate principles of repositioning and moving residents.

- viii) Understand expected behaviors and responsibilities related to emergency procedures. Upon completion of this unit of instruction, the student will be able to: Identify ORA's role with regard to falls, fractures, fires, catheter bags and infection control; and list the adverse symptoms that should caution the ORA.

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- D) Module IV: Psychological concepts.
- i) Identify stereotypes and myths of the aged/chronically disabled. Upon completion of this unit of instruction, the student will be able to: Define aging; define chronic dysfunctional process; and discriminate myths/stereotypes from reality.
 - ii) Recognize the multiple problems of the aged and chronically disabled. Upon completion of this unit of instruction, the student will be able to: Identify types of problems facing the elderly in nursing homes; and identify types of problems facing the disabled in nursing homes.
 - iii) Understand one's own personal attitudes regarding the elderly and chronically disabled. Upon completion of this unit of instruction, the student will be able to: Discuss how attitudes and values effect expectations of achievement.
 - iv) Identify Kuebler Ross' stages of death and dying and how they relate to loss. Upon completion of this unit of instruction, the student will be able to: List the five stages of the grieving process; and discuss ways to deal with resident's behavior in each stage.
 - v) Understand how physical, emotional, psychological losses lead to depression and decreased function. Upon completion of this unit of instruction, the student will be able to: Identify losses that occur in aging; and identify losses that occur in chronic illness.

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- vi) Understand self esteem and those factors which effect positive and negative motivation. Upon completion of this unit of instruction, the student will be able to: Identify factors that influence motivation positively; identify factors that influence motivation negatively; and recognize impact that a care giver can have on resident's self esteem.
- 3) The Basic Physical Rehabilitation Aide Training Program shall include a minimumum:
 - A) Module I: Philosophy and purpose.
 - i) Define the role of restorative nursing in long term care. Upon completion of this unit of instruction, the student will be able to: Discern the difference between restorative nursing and physical rehabilitation; and define the role of the nursing assistant in restorative care.
 - ii) Define the role of Physical Rehabilitation programs in long term care. Upon completion of this unit of instruction, the student will be able to: Define the role of the Physical Rehabilitation Aide; and identify the acceptable parameters of practice for the Physical Rehabilitation Aide, i.e., no manual stretching, no manual resistance.
 - iii) Identify effects of aging. Upon completion of this unit, the student will be able to: Understand the normal aging process; understand the chronic pathophysiological process; and discriminate myths/stereotypes of aging.
 - iv) Identify the goals/objectives of Physical Rehabilitation. Upon completion of this unit of instruction,

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the student will be able to: Identify modalities used in Physical Rehabilitation to improve functional abilities; identify methods used to upgrade gross motor function; identify methods used to assist a resident to develop alternative methods of mobility; will be able to demonstrate methods used to improve safety during application of functional mobility techniques.

v) Identify benefits of Rehabilitation/ Restorative services. Upon completion of this unit of instruction, the student will be able to: Experience techniques that can be used to motivate a resident to achieve the highest level of function; identify methods to use in providing emotional support; increase awareness of the role of Rehabilitation/ Restorative services in improving resident's self-image; and understand the role these services play in encouraging participation in activities, socialization and vocational programs.

vi) Identify PRA's expected attitudes and standards of conduct. Upon completion of this unit of instruction, the student will be able to: State the consequences of falsifying records; discuss methods to deal with situations where the PRA may be asked to falsify records; understand consequences of practicing outside the realm of their duties, i.e., doing assessments, reassessments and evaluations of residents; demonstrate methods to be used to maintain modesty and dignity of residents; understand PRA's role in maintaining confidentiality; and understand and respect resident's rights.

B) Module II: Terminology/abbreviations.

i) Standard medical terminology used in Physical Rehabilitation. Upon completion of this unit of instruction, the student will be able to: define the standard terms used in Physical Rehabilitation; and read and understand a Physical Therapist's assessment and progress notes.

ii) Standard medical abbreviations used in Physical Rehabilitation. Upon completion of this unit of instruction, the student will be able to: translate abbreviations; and to read and understand a Physical Therapist's assessment, i.e., identification of problems, goals, approaches/programs.

C) Module III: Disease process.

i) Identify the major neuromuscular disorders encountered in Physical Rehabilitation. Upon completion of this unit of instruction, the student will be able to: Identify the major characteristics of a resident with status post CVA, Multiple Sclerosis and Parkinson's disease; experience methods used to provide Physical Rehabilitation services to residents with these conditions; and identify precautions to be observed when delivering services to these clients.

ii) Identify the major musculoskeletal disorders encountered in Physical Rehabilitation. Upon completion of this unit of instruction, the student will be able to: Identify the major characteristics of a resident with fractures, amputations of limbs, osteoporosis, arthritis; experience methods used to provide Physical Rehabilitation services to residents

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- with these conditions; and identify precautions to be observed when delivering services to these clients.
- iii) Understand the basic body responses of a person with cardiopulmonary disease to Physical Rehabilitation. Upon completion of this unit of instruction, the student will be able to: Identify the impact on an impaired cardiopulmonary system when subjected to Physical Rehabilitation; experience methods used to provide Physical Rehabilitation services to residents with these conditions; and identify precautions to be observed when delivering services to these clients.
- iv) Identify the neurological disorders encountered in Physical Rehabilitation: Identify the major characteristics of a resident with Alzheimer's disease, Epilepsy and Organic Brain Syndrome; experience methods used to provide Physical Rehabilitation services to residents with these conditions; and identify precautions to be observed when delivering services to these clients.
- f) To evaluate the effectiveness of the Basic Rehabilitation Aide Training in educating the trainees, upon completion of the training program, each participant must take a non-credit post-test that encompasses the didactic and experiential learning opportunities presented. The Department will provide a post-test that shall be developed from questions submitted by licensed occupational and physical therapists who have received IDPA approval for rehabilitation aide courses. A summary of post-test scores must be returned to the Department. The instructor shall submit for validation only those certificates of students who the instructor feels have demonstrated competency.

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Section 147.200 Basic Rehabilitation Aide Training Program (Cont'd)

- g) The Illinois Department of Public Aid shall monitor the training program. If the program, approved pursuant to ~~Section 147.200~~ subsection (c)(3), is not being delivered, program approval will be rescinded.
- h) Certificates
- 1) Proof of successful completion of the approved program necessitates the sponsoring organization to award certificates to the trainees. The following information must be sent to the Department prior to the Department validating the certificates:
 - A) evidence of successful completion of the designated course, i.e., the certificate,
 - B) a list of the names of attendees,
 - C) a list of social security numbers of the attendees,
 - D) course completion date,
 - E) program approval number,
 - F) the CNA's certificate, or
 - G) proof of credentials other than CNA certificate, that qualify student to be a candidate. A certificate will not be validated if the trainee lacks the prerequisites specified in ~~Section 147.200~~ subsection (b).
 - 2) The Department will return the validated certificates to the sponsor(s) for distribution. The following minimum information must be typed on the certificates before they are sent to the Department for validation:
 - A) Name of the trainee and Social Security number.

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- B) Title: Basic Occupational or Physical Rehabilitation Training Program, as appropriate.
- C) Candidate qualifications, e.g., CNA, 36 hour activity course (see ~~Section 147.200~~ subsection (b)).
- D) Identification number of the program.
- 3) Successful completion of the course does not imply "certification" of the rehabilitation aide by the State. It only indicates that the person has successfully completed the Basic Rehabilitation Aide Training Program and that services provided by this individual to Medicaid recipients living in licensed long term care facilities may be eligible for reimbursement so long as all of the rule pertaining to this sub-section is adhered to (see Sections 147.50(d)(10)(B)(iii) and 147.50(d)(12)(B)(iii)).

- i) Requests for approval of programs and other related correspondence are to be submitted to the Bureau of Long Term Quality Care.

Illinois-Department-of-Public-Aid
Professional-Resource-Coordination-Section
Bureau-of-Long-Term-Care
931-East-Washington, 2nd Floor
Springfield, Illinois--62763

(Source: Amended at 15 Ill. Reg. 9001, effective June 17, 1991)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

- 1) Heading of Part: Aurora Municipal Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 18
- 3) Section Numbers: Adopted Action:
 18.10 18.80 18.Exhibit A New Section
 18.20 18.90 New Section
 18.30 18.100 New Section
 18.40 18.110 New Section
 18.50 18.120 New Section
 18.60 18.130 New Section
 18.70 18.140 New Section
- 4) Statutory Authority: Ill.Rev.Stat. 1989, ch. 15 1/2, par. 48.17
- 5) Effective date of rules: June 10, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in agency's principal office: June 7, 1991
- 9) Notice of proposal published in Illinois Register:
 March 1, 1991, 15 Ill. Reg. 3252
- 10) Has JCAR issued a Statement of Objections to these rules?
 No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:

This Part provides for the establishment of an airport hazard area in the vicinity of the Aurora Municipal

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NOTICE OF ADOPTED RULES

Airport. This Part provides for the safety of the aircraft and persons on the ground by governing surfaces and height limitations in respect to structures erected or altered in the vicinity of the airport.

Elsewhere in this issue of the Illinois Register, the Department is repealing the old Part 18 and replacing it with this new Part. A complete description of the significant differences between the repealed rules and the new rules follows. These changes have been made to other airport hazard zoning regulations promulgated by the Department at the suggestion of the Joint Committee on Administrative Rules.

The word "feet" replaces the apostrophe used throughout the rule in the old Part.

The new Part does not contain the following Sections: "Short Title," "Effective Date," or "Exhibit B / Illustrations A and B."

The introduction to the new Part has been rewritten and reformatted.

The definition of "airport" in Section 18.20 of the new Part has been rewritten.

The definition of "Airport Hazard" now includes "Trees" as possible obstructions which could be hazardous to the flight of aircraft in landing or taking-off.

The definition of "Airport Reference Point" has changed slightly.

The definition of "Approach, Transitional, Horizontal and Conical Surfaces" has been changed.

The definition of "Circling Approach Area" is new.

The definition of "Departure Area" is new.

The definition of "Final Approach Segment" is new to the Part.

The definition of "Growth" has been deleted, and the word "growth" has been replaced with the word "tree"

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throughout the Part.

The words "these zoning regulations" have been deleted and replaced with the words "this Part" throughout the rule.

The following terms and their definitions are new to the Part:

- "Initial Approach Segment"
- "Intermediate Approach Segment"
- "Minimum Instrument Flight Altitude"
- "Obstacle Clearance"
- "Terminal Obstacle Clearance Area"
- "Visibility Minimums"

The definition of "Landing Area" has been changed.

Statutory language is shown through capitalization in the new Part.

The definition of "Precision Instrument Runway" has been changed.

The definition of "Runway" has been rewritten.

The definition of "Visual Runway" has been changed.

In Section 18.30(f), the airport elevation has been changed from 709 feet to 654 feet.

Section 18.40 of the new Part, the text on "Use Restrictions" is new language.

In Section 18.50(b)(2) of the new Part, the text is new.

The introductory paragraph in Section 18.70 of the new Part has been rewritten.

Section 18.70(c) is new text.

Section 18.80(a) and (b) have been rewritten and subsection (c) is new text.

Section 18.90 has been reworked in the new Part.

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The Department, in the new Part, includes the "Proposed Construction Permit Request" as an Exhibit to the rule.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Valjean Smith
Assistant Chief Counsel
Department of Transportation
Division of Aeronautics
One Langhorne Bond Drive / Capital Airport
Springfield, Illinois 62707
(217) 785-5831

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULE

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 18
AURORA MUNICIPAL AIRPORT
HAZARD ZONING

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AUTHORITY: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15 1/2, par. 48.17).

SOURCE: Adopted at 5 Ill. Reg. 9595, effective September 15, 1981; codified at 7 Ill. Reg. 7218; old Part repealed, new Part adopted at 15 Ill. Reg. 9022, effective June 10, 1991.

NOTE: Capitalization denotes statutory language.

Section 18.10 Introduction

- a) This Part regulates and restricts the height of structures and trees, and otherwise regulates the use of property in the vicinity of the Aurora Municipal Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Aurora Municipal Airport zoning map (Note: This

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zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

- b) This Part is adopted at the request of the City of Aurora, as owner and operator of Aurora Municipal Airport, pursuant to the authority conferred by the Airport Zoning Act (Act) (Ill. Rev. Stat. 1989, ch. 15 1/2, pars. 48.1 et seq.). IT IS HEREBY FOUND THAT AN AIRPORT HAZARD ENDANGERS THE LIVES AND PROPERTY OF USERS OF Aurora Municipal Airport AND OF OCCUPANTS OF LAND OR PROPERTY IN ITS VICINITY, AND ALSO, IF OF THE OBSTRUCTION TYPE, IN EFFECT REDUCES THE SIZE OF THE AREA AVAILABLE FOR THE LANDING, TAKING-OFF AND MANEUVERING OF AIRCRAFT, THUS TENDING TO DESTROY OR IMPAIR THE UTILITY OF Aurora Municipal Airport AND THE PUBLIC INVESTMENT THEREIN.

1) ACCORDINGLY, IT IS DECLARED:

- A) THAT THE CREATION OR ESTABLISHMENT OF AN AIRPORT HAZARD IS A PUBLIC NUISANCE AND AN INJURY TO THE region SERVED BY Aurora Municipal Airport;
 - B) THAT IT IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, PUBLIC SAFETY AND GENERAL WELFARE THAT THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS BE PREVENTED; AND
 - C) that the prevention of these hazards SHOULD BE ACCOMPLISHED TO THE EXTENT LEGALLY POSSIBLE, BY THE EXERCISE OF THE POLICE POWER, WITHOUT COMPENSATION.
- 2) IT IS FURTHER DECLARED THAT BOTH THE PREVENTION OF THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS AND THE ELIMINATION, REMOVAL, ALTERATION, MITIGATION, OR MARKING AND/OR LIGHTING OF EXISTING AIRPORT HAZARDS ARE PUBLIC PURPOSES FOR WHICH POLITICAL SUBDIVISIONS MAY RAISE AND EXPEND PUBLIC FUNDS AND ACQUIRE LAND or interests in land. (Section 11 of the Act)

Section 18.20 Definitions

As used in this Part, unless the context otherwise requires:

"Airport" - The Aurora Municipal Airport located near

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Aurora, situated in Section 8, 17, 18, 19 and 20 Township 38 North, Range 7 East of the Third Principal Meridian, Kane County, Illinois; also known as Aurora Municipal Airport.

"Airport Elevation" - The established elevation of the highest point on the usable landing strip; the established airport elevation shall be 711 feet above mean sea level (AMSL).

"Airport Hazard" - ANY STRUCTURE, TREE, OR USE OF LAND WHICH OBSTRUCTS THE AIRSPACE REQUIRED FOR, OR IS OTHERWISE HAZARDOUS TO THE FLIGHT OF AIRCRAFT IN LANDING OR TAKING-OFF AT THE AIRPORT. (Section 3 of the Act)

"Airport Reference Point" - The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 41° 46' 22.2" N and Longitude 88° 28' 34.4" W.

"Alteration" - Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" - These surfaces are defined in Section 18.30.

"Circling Approach Area" - That obstacle clearance area which shall be considered for aircraft maneuvering to land on a runway which is not aligned with the final approach course of the approach procedure.

"Construction" - The erection or alteration of any structure either of a permanent or temporary character.

"Department" - The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Departure Area" - That area which begins at the departure end of the runway and has a beginning width of 1000' (500' from centerline). The area splays 150' on each side of the extended runway centerline for a distance of 2 Nautical Miles (NM). Additionally, it includes a second surface that extends radially from a point on the runway centerline located 2,000' from the start end of the runway and extends the distance necessary to provide a 40:1 obstacle identification surface to reach the minimum altitudes authorized for en route operations.

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"Final Approach Segment" - That area of an approach where the aircraft makes final alignment and descent for landing.

"Flight Safety Coordinator" - An employee of the Department whose duties include, but are not limited to inspection of airports, review of complaints concerning uses of property in the vicinity of airports and inspection of structures, uses and trees in the vicinity of airports to determine if such structures, uses or trees impair the use of the airport by aircraft.

"Height" - The overall height of the top of a structure including any appurtenances installed thereon, for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum of which shall be mean sea level elevation unless otherwise specified.

"Initial Approach Segment" - That area of an instrument approach between a point where aircraft departs the en route phase of flight and is maneuvering to enter an intermediate segment. Such approach segments may be made along an arc, radial, course, heading, radar vector or a combination thereof.

"Intermediate Approach Segment" - That area of an approach between the initial and final approach segments where the aircraft adjusts configuration, speed and positioning along positive course guidance such as radial or course.

"Landing Area" - The area of the airport used for the landing, taking-off or taxiing of aircraft including the unprepared surfaces adjacent to the existing runways.

"Minimum Instrument Flight Altitude" - An altitude established for instrument flight between radio fixes that provides obstacle clearance over the terrain and man-made objects and adequate for navigational performance and communications requirements.

"Non-Conforming Use" - Any structure, tree, or use of land which is lawfully in existence at the time this Part or an amendment thereto becomes effective and does not then meet the requirements of this Part.

"Non-Precision Instrument Runway" - A runway having an existing instrument approach utilizing air navigation

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facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved by the Federal Aviation Administration [FAA], or planned, and for which no precision approach facilities are planned, or indicated on a FAA planning document or military service, military airport planning document.

"Obstacle Clearance" - The vertical distance between the lowest authorized flight altitudes and a prescribed surface within a specified area.

"Permit" - A permit issued by the Department of Transportation, Division of Aeronautics, pursuant to Section 18.60 of this Part.

"Person" - An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics. (Section 7 of the Act)

"Political Subdivision" - Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section 18.30. (Section 6 of the Act)

"Precision Instrument Runway" - A precision instrument runway is one which uses an instrument landing system (ILS) or precision approach radar (PAR). A planned precision instrument runway is one for which a precision approach system is indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

"Runway" - An area of the airport designated for the landing or taking off of aircraft and consisting of turf or concrete, asphalt, oil and chip or other composite material that forms an all weather surface other than turf.

"Slope Ratio" - A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance for

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each one foot vertically.

"State" - THE STATE OF ILLINOIS. (Section 8 of the Act)

"Structure" - Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Terminal Obstacle Clearance Area" - That area near an airport that contains the initial, intermediate and final approach segments, circling and departure areas which are a part of an instrument approach procedure.

"Tree" - Any object of natural growth.

"Utility Runway" - A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" - A grant of relief by the Department from the requirements of this Part, in accordance with Section 18.80.

"Visibility Minimums" - The lowest forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Visual Runway" - A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

Section 18.30 Surfaces and Height Limitations

a) Establishment and Creation

- 1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary

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surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

- 2) Such airport imaginary surfaces are hereby created and established in order to carry out the provisions of this Part. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C) for Aurora Municipal Airport prepared by Crawford, Murphy & Tilly, Inc., Aurora, Ill. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.

- 3) Except as otherwise provided in this Part, no structure or tree shall be erected, altered, allowed to grow, or maintained in any surface created by this Part to a height in excess of the height limit herein established for such surfaces.

- 4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:

b) Horizontal Surface

- 1) A horizontal plane 150 feet above the established airport elevation of 654 feet Above Mean Sea Level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;
 - B) 10,000 feet for all other runways.

- 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent

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10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250 feet for utility runways having only visual approaches;
 - B) 500 feet for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500 feet for visual runways having only visual approaches;
 - ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;
 - iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

- e) Approach Surface - A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned

10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250 feet for utility runways having only visual approaches;
 - B) 500 feet for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500 feet for visual runways having only visual approaches;
 - ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;
 - iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

- e) Approach Surface - A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned

10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

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for that runway end.

- 1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - A) 1,250 feet for that end of a utility runway with only visual approaches;
 - B) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - C) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
 - D) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
 - E) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - F) 16,000 feet for precision instrument runways.

2) The approach surface extends for a horizontal distance of:

- A) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways;
- B) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument runways other than utility; and
- C) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.

3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

- f) Transitional Surface - These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150 feet above the airport elevation which is 654 feet AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured

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- horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.
- g) Circling Approach Surface - This is a surface 200 feet above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Aurora Municipal Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
- h) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
- i) Excepted Height Limitations - Nothing in this Part shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the ground.

Section 18.40 Use Restrictions

Notwithstanding any other provisions of this Part, no use may be made of land or water within any surface established by this Part as follows:

- a) Electrical or Electronic Interference
- 1) In such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft.
 - 2) If a complaint of such interference is received by the Department, a Flight Safety Coordinator shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the airport, the traffic patterns at the airport, the time of day and frequency of the interference.
- b) Flashing or Illuminated Structures
- 1) The installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots.
 - 2) In determining whether such a hazard exists, a Flight Safety Coordinator shall consider factors which include, but are not limited to, assessing the difficulty pilots have in distinguishing

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- between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft, the proximity of the illuminated structure to the airport, and the traffic patterns at the airport.
- c) Smoke
- 1) A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
 - 2) In determining if such an emission or discharge of smoke would interfere with the health and safety of pilots and the public, a Flight Safety Coordinator shall consider all relevant factors which include, but are not limited to the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day, and volume and type of aircraft which use the airport.

Section 18.50 Non-Conforming Uses

- a) Regulations Not Retroactive - Those surface regulations prescribed by this Part shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any non-conforming use. Nothing contained in this Part shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently prosecuted.
- b) Marking and Lighting
- 1) Notwithstanding the provisions of subsection (a), the owner of any existing non-conforming structure is required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the City of Aurora.

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- 2) In determining the necessity for such markers and lights, the Department shall consider all relevant conditions, including but not limited to, the traffic patterns, volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 18.60 Permits

- a) Future Uses - Except as specifically provided in subsections (1), (2), and (3), no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface created unless a permit shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Part. If such determination is in the affirmative, the permit shall be granted.

- 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in this Part, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such surface.

- 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.

- 3) In the areas lying within the limits of the

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transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transitional surface.

- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits prescribed by this Part.

Section 18.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed

Whenever the Department, following a Flight Safety Coordinator's personal inspection, observation and estimation, DETERMINES THAT A NON-CONFORMING STRUCTURE or use or tree HAS BEEN ABANDONED OR MORE THAN 80 PER CENT demolished, DESTROYED, physically DETERIORATED, OR DECAYED:

- a) NO PERMIT SHALL BE GRANTED by the Department THAT WOULD ALLOW SUCH STRUCTURE or use or tree TO EXCEED THE APPLICABLE HEIGHT LIMIT OR OTHERWISE DEVIATE FROM these ZONING REGULATIONS; AND

- b) WHETHER APPLICATION IS MADE FOR A PERMIT, OR NOT, THE DEPARTMENT MAY issue an order pursuant to subsection (c), in cases where the remaining structure or use or tree constitutes a violation of this Part, compelling THE OWNER OF THE NON - CONFORMING STRUCTURE or use or tree, AT HIS OWN EXPENSE, TO LOWER, REMOVE, RECONSTRUCT, OR EQUIP SUCH structure or use or tree AS MAY BE NECESSARY TO CONFORM TO these zoning REGULATIONS. IF THE OWNER OF THE NON-CONFORMING STRUCTURE or use or tree SHALL NEGLECT OR REFUSE TO COMPLY WITH SUCH ORDER within ten DAYS AFTER NOTICE THEREOF, THE DEPARTMENT MAY PROCEED TO HAVE such structure or use or tree SO LOWERED, REMOVED, RECONSTRUCTED OR EQUIPPED AND SHALL HAVE A LIEN, ON BEHALF OF THE STATE, UPON THE LAND WHEREON IT IS OR WAS LOCATED, IN THE AMOUNT OF THE COST AND EXPENSE THEREOF. SUCH LIEN MAY BE ENFORCED BY THE DEPARTMENT ON BEHALF OF THE STATE BY suit in equity FOR THE ENFORCEMENT THEREOF AS IN THE CASE OF OTHER LIENS. (Section 23 of the Act)

- c) The Department shall issue an order if it is determined that the non-conforming structure or use or tree

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interferes with traffic patterns at the airport. In making such a determination the Department shall consider factors which include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or instrument runways.

Section 18.80 Variances

- a) General - ANY PERSON wishing to erect or increase the height of ANY STRUCTURE, OR PERMIT any GROWTH, OR USE HIS PROPERTY not in accordance with these ZONING REGULATIONS, MAY APPLY TO THE DEPARTMENT FOR A VARIANCE FROM these ZONING REGULATIONS. SUCH VARIANCES SHALL BE ALLOWED WHERE it is found that A LITERAL APPLICATION OR ENFORCEMENT OF these ZONING REGULATIONS WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP AND THE RELIEF GRANTED WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST BUT WOULD DO SUBSTANTIAL JUSTICE AND BE IN ACCORDANCE WITH THE SPIRIT OF these ZONING REGULATIONS. (Section 24 of the Act)
- b) Marking and Lighting - Any Variance granted by the Department may be so conditioned as to require the owner of such structure or tree to permit, at the expense of the owner, the installation, operation and maintenance of such markers and lights as may be required to indicate to pilots the presence of such structure or tree.
- c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the airport, the proximity of other non-conforming uses, structures or trees which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.

Section 18.90 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice - The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height

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limitations established by Section 18.30 with respect to Aurora Municipal Airport:

- 1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
- 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3200 feet in actual length.
 - B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200 feet in actual length.
- 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subsection (a)(1) or (a)(2).
- 4) Any construction or alteration that would exceed a standard of the Act or this Part.
 - b) Construction or Alteration Not Requiring Notice - No person is required to notify the Department for any of the following construction or alterations with respect to Aurora Municipal Airport:
 - 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
 - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device less than 50 feet in height.
 - 3) Any object that would be shielded by permanent and substantial existing structures of equal or greater height or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident

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beyond all reasonable doubt that the structure so shielded will not obstruct or interfere with aircraft using the airport, or cause any additional adverse effect on airport operations by considering the height and location of the existing uses and structures.

- c) Form and Time of Notice
- 1) Each person who is required to notify the Department under subsection (a) shall forward one executed form set (in four copies) of the Department's Form No. DA-39 (for an example, see Exhibit A) to the Division of Aeronautics, One Langhorne Bond Drive/Capitol Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
 - 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
 - 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in subsection (c)(2) does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five days. For example, an emergency could include breaks in sewer lines, gas mains or power lines.
- d) Acknowledgment of Notice
- 1) The Department will acknowledge in writing the receipt of such notice submitted under subsection (a) within 30 days of receipt of such notice.
 - 2) The acknowledgment will state that a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would under federal rules require lighting or marking standards as prescribed in Advisory Circular, Department of Transportation, Federal Aviation Administration (FAA), Subject: Obstruction, Marking and Lighting, AC No: 70/7460-1, as provided in 14 CFR 77.11 (b)(3), January 1, 1990, not including any later amendment or editions, and information on how the structure should be marked and lighted in accordance with such FAA standards; and/or
 - B) Would not exceed any standard of the Act or this Part; or
 - C) Would exceed a standard of the Act, Aviation

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- Safety Rules (92 Ill. Adm. Code 14), or this Part; or
- D) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 18.100 Enforcement

It shall be the duty of the Department to administer and enforce this Part. Applications for permits or variances, required by this Part to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

Section 18.110 Appeal and Judicial Review

- a) APPEAL - ANY PERSON AGGRIEVED BY ANY DECISION OF THE DEPARTMENT MADE IN ADMINISTRATION OF THIS PART MAY APPLY TO THE DEPARTMENT TO REVERSE, WHOLLY OR PARTLY, OR MODIFY, OR OTHERWISE CHANGE, ABROGATE OR RESCIND ANY SUCH DECISION. THE PROCEDURE PRESCRIBED BY THE ACT FOR PROCEEDINGS BEFORE BOARDS OF APPEAL SHALL GOVERN SUCH APPLICATION TO THE DEPARTMENT. (Section 29 of the Act)
- b) Judicial Review - Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Kane County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled The Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, pars. 3-101 et seq.).

Section 18.120 Penalties

Each violation of this Part or of ANY REGULATIONS, ORDERS, OR RULINGS PROMULGATED hereunder shall constitute an airport hazard and a PETTY OFFENSE, and such hazard shall be removed by proper legal proceedings and EACH DAY A VIOLATION CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE. IN ADDITION, THE DEPARTMENT MAY INSTITUTE IN THE Circuit Court of Kane County, Illinois, or CIRCUIT COURT OF ANY COUNTY IN WHICH THE AIRPORT HAZARD is wholly or partly located, AN ACTION TO PREVENT AND RESTRAIN, CORRECT OR ABATE, ANY VIOLATION OF these ZONING REGULATIONS, OR OF ANY regulation, ORDER OR RULING MADE IN

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CONNECTION WITH THEIR ADMINISTRATION OR ENFORCEMENT, AND THE COURT SHALL ADJUDGE SUCH RELIEF BY WAY OF INJUNCTION (WHICH MAY BE MANDATORY) OR OTHERWISE, AS MAY BE PROPER UNDER ALL THE FACTS AND CIRCUMSTANCES OF THE CASE, IN ORDER FULLY TO EFFECTUATE THE PURPOSES OF these zoning REGULATIONS as ADOPTED AND ORDERS AND RULINGS MADE PURSUANT THERETO. (Section 34 of the Act)

Section 18.130 Conflicting Regulations

Where a conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or trees, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 18.140 Severability

If any of the provisions of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

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Section 18.Exhibit A Proposed Construction Permit Request

ILLINOIS DEPARTMENT OF TRANSPORTATION
Division of Aeronautics

Name of Individual or Company
Making Request
Address

| | | | |
|---|------|-----|-------|
| Street | City | Zip | Phone |
| Nature and Description of Proposed Structure: | | | |
| } New Construction | | | |
| } Alteration | | | |
| Nearest Town: | | | |
| Location from Nearest Town | | | |
| Direction } Distance | | | |
| Nearest Airport: | | | |
| From Nearest Point | | | |
| to a Runway | | | |
| Direction } Distance | | | |
| Latitude } Longitude | | | |
| 0 } ' } " } ' } " | | | |

| | |
|---|---------------------|
| Proposed Heights and Elevations | |
| Site Elevation (Mean Sea Level) | Feet |
| Highest Point of Structure Above Ground | Feet |
| Overall Height above Mean Sea Level | Feet |
| Estimated Construction Starting Date | |
| Estimated Construction Completion Date | |
| Type of Structure: | Permanent Temporary |
| Will Structure be Obstruction Lighted: | Yes No |
| Will Structure be Obstruction Marked: | Yes No |
| Remarks: | |

| | | |
|-------|--------------------|-----------|
| Date: | Title or Position: | Signature |
|-------|--------------------|-----------|

The Illinois Department of Transportation is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Section 1 of the Airport Zoning Act (Ill.Rev.Stat. 1989, ch. 15 1/2, par. 48.1). Disclosure of this information is REQUIRED. Failure to provide any information will result in denial of the construction permit. This form has been approved by the Forms Management Center.
DA-39 (Rev. 1-87) IL 494-0765

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NOTICE OF ADOPTED REPEALER

- 1) Heading of Part: Aurora Municipal Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 18
- 3) Section Numbers: Adopted Action:
- | | | | |
|-------|--------|-----------------------|--------|
| 18.10 | 18.80 | 18.150 | Repeal |
| 18.20 | 18.90 | 18.160 | Repeal |
| 18.30 | 18.100 | 18.Exhibit A | Repeal |
| 18.40 | 18.110 | 18.Exhibit B, ILLUS.A | Repeal |
| 18.50 | 18.120 | 18.Exhibit B, ILLUS.B | Repeal |
| 18.60 | 18.130 | | Repeal |
| 18.70 | 18.140 | | Repeal |
- 4) Statutory Authority: Ill.Rev.Stat. 1989, ch. 15 1/2, par. 48.17

- 5) Effective date of rules: June 10, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) Date filed in agency's principal office: June 7, 1991
- 9) Notice of proposal published in Illinois Register:

March 1, 1991, 15 Ill. Reg. 3231

- 10) Has JCAR issued a Statement of Objections to these rules?
No

- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of rules:

By this rulemaking, the Department is repealing Part 18, and elsewhere in this issue of the Illinois Register, is

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replacing this Part with new rules on the establishment of an airport hazard area in the vicinity of Aurora Municipal Airport. For a complete description of the differences between the repealed rules and the new rules, please see the Notice of Adopted Rules for Part 18.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Valjean Smith
Assistant Chief Counsel
Department of Transportation
Division of Aeronautics
One Langhorne Bond Drive / Capital Airport
Springfield, Illinois 62707
(217) 785-5831

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NOTICE OF ADOPTED RULES

1) Heading of Part: Dupage Airport Hazard Zoning

2) Code Citation: 92 Ill. Adm. Code 37

| Section Numbers: | Adopted Action: | | |
|------------------|-----------------|--------------|-------------|
| 37.10 | 37.70 | 37.130 | New Section |
| 37.20 | 37.80 | 37.140 | New Section |
| 37.30 | 37.90 | 37.Exhibit A | New Section |
| 37.40 | 37.100 | | New Section |
| 37.50 | 37.110 | | New Section |
| 37.60 | 37.120 | | New Section |

4) Statutory Authority: Ill.Rev.Stat. 1989, ch. 15 1/2, par. 48.17

5) Effective date of rules: June 10, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in agency's principal office: June 7, 1991

9) Notice of proposal published in Illinois Register:

March 1, 1991, 15 Ill. Reg. 3275

10) Has JCAR issued a Statement of Objections to these rules?
No

11) Differences between proposal and final version:

The following change was made in agreement with the Code Division: The Source Note reads "Adopted at" instead of "Added at."

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

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15) Summary and purpose of rules:

This Part provides for the establishment of an airport hazard area in the vicinity of Dupage Airport. This Part provides for the safety of aircraft and persons on the ground by governing surfaces and height limitations in respect to structures erected or altered in the vicinity of the airport.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. Valjean Smith
Assistant Chief Counsel
Department of Transportation
Division of Aeronautics
One Langhorne Bond Drive / Capital Airport
Springfield, Illinois 62707
(217) 785-5831

The full text of the Adopted Rules begins on the next page:

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NOTICE OF ADOPTED RULE

NOTICE OF ADOPTED RULE

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 37
DUPAGE AIRPORT
HAZARD ZONING

| | |
|---------|---|
| Section | Introduction |
| 37.10 | Definitions |
| 37.20 | Surfaces and Height Limitations |
| 37.30 | Use Restrictions |
| 37.40 | Non-Conforming Uses |
| 37.50 | Permits |
| 37.60 | Non-Conforming Structures or Uses or Trees Abandoned or Destroyed |
| 37.70 | Variances |
| 37.80 | Notice of Construction or Alteration |
| 37.90 | Enforcement |
| 37.100 | Appeal and Judicial Review |
| 37.110 | Penalties |
| 37.120 | Conflicting Regulations |
| 37.130 | Severability |
| 37.140 | EXHIBIT A Proposed Construction Permit Request |

AUTHORITY: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15 1/2, par. 48.17).

SOURCE: Adopted at 15 Ill. Reg. 9047, effective June 10, 1991.

NOTE: Capitalization denotes statutory language.

Section 37.10 Introduction

- a) This Part regulates and restricts the height of structures and trees, and otherwise regulates the use of property in the vicinity of the Dupage Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Dupage Airport zoning map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital

b)

Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration. This Part is adopted at the request of the Dupage Airport Authority, as owner and operator of Dupage Airport, pursuant to the authority conferred by the Airport Zoning Act (Act) (Ill. Rev. Stat. 1989, ch. 15 1/2, pars. 48.1 et seq.). IT IS HEREBY FOUND THAT AN AIRPORT HAZARD ENDANGERS THE LIVES AND PROPERTY OF USERS OF Dupage Airport AND OF OCCUPANTS OF LAND OR PROPERTY IN ITS VICINITY, AND ALSO, IF OF THE OBSTRUCTION TYPE, IN EFFECT REDUCES THE SIZE OF THE AREA AVAILABLE FOR THE LANDING, TAKING-OFF AND MANEUVERING OF AIRCRAFT, THUS TENDING TO DESTROY OR IMPAIR THE UTILITY OF Dupage Airport AND THE PUBLIC INVESTMENT THEREIN.

1) ACCORDINGLY, IT IS DECLARED:

- A) THAT THE CREATION OR ESTABLISHMENT OF AN AIRPORT HAZARD IS A PUBLIC NUISANCE AND AN INJURY TO THE REGION SERVED BY DUPAGE AIRPORT; THAT IT IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, PUBLIC SAFETY AND GENERAL WELFARE THAT THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS BE PREVENTED; AND
- C) that the prevention of these hazards SHOULD BE ACCOMPLISHED TO THE EXTENT LEGALLY POSSIBLE, BY THE EXERCISE OF THE POLICE POWER, WITHOUT COMPENSATION.

- 2) IT IS FURTHER DECLARED THAT BOTH THE PREVENTION OF THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS AND THE ELIMINATION, REMOVAL, ALTERATION, MITIGATION, OR MARKING AND/OR LIGHTING OF EXISTING AIRPORT HAZARDS ARE PUBLIC PURPOSES FOR WHICH POLITICAL SUBDIVISIONS MAY RAISE AND EXPEND PUBLIC FUNDS AND ACQUIRE LAND or interests in land. (Section 11 of the Act)

Section 37.20 Definitions

As used in this Part, unless the context otherwise requires:

"Airport" - The Dupage Airport located near West Chicago, situated in the West 1/2 of the Southwest 1/4 of Section 29; the East 1/2 of the Southwest 1/4 of Section 30; the Northwest 1/4 of the Northwest 1/4 of Section 32; and that part of the North 1/2 of Section

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31; lying North of the Chicago and Northwestern Railroad; all in Township 40 North, Range 9 East of the Third Principal Meridian, Dupage County, Illinois.

"Airport Elevation" - The established elevation of the highest point on the usable landing strip; the established airport elevation shall be 757 feet above mean sea level (AMSL).

"Airport Hazard" - ANY STRUCTURE, TREE, OR USE OF LAND WHICH OBSTRUCTS THE AIRSPACE REQUIRED FOR, OR IS OTHERWISE HAZARDOUS TO THE FLIGHT OF AIRCRAFT IN LANDING OR TAKING-OFF AT THE AIRPORT. (Section 3 of the Act)

"Airport Reference Point" - The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 41° 54' 52" N and Longitude 88° 14' 48" W.

"Alteration" - Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" - These surfaces are defined in Section 37.30.

"Circling Approach Area" - That obstacle clearance area which shall be considered for aircraft maneuvering to land on a runway which is not aligned with the final approach course of the approach procedure.

"Construction" - The erection or alteration of any structure either of a permanent or temporary character.

"Department" - The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Departure Area" - That area which begins at the departure end of the runway and has a beginning width of 1000' (500' from centerline). The area splays 150 on each side of the extended runway centerline for a distance of 2 Nautical Miles (NM). Additionally, it includes a second surface that extends radially from a point on the runway centerline located 2,000' from the start end of the runway and extends the distance necessary to provide a 40:1 obstacle identification surface to reach the minimum altitudes authorized for en route operations.

"Final Approach Segment" - That area of an approach

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where the aircraft makes final alignment and descent for landing.

"Flight Safety Coordinator" - An employee of the Department whose duties include, but are not limited to inspection of airports, review of complaints concerning uses of property in the vicinity of airports and inspection of structures, uses and trees in the vicinity of airports to determine if such structures, uses or trees impair the use of the airport by aircraft.

"Height" - The overall height of the top of a structure including any appurtenances installed thereon, for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum of which shall be mean sea level elevation unless otherwise specified.

"Initial Approach Segment" - That area of an instrument approach between a point where aircraft departs the enroute phase of flight and is maneuvering to enter an intermediate segment. Such approach segments may be made along an arc, radial, course, heading, radar vector or a combination of thereof.

"Intermediate Approach Segment" - That area of an approach between the initial and final approach segments where the aircraft adjusts configuration, speed and positioning along positive course guidance such as radial or course.

"Landing Area" - The area of the airport used for the landing, taking-off or taxiing of aircraft including the unprepared surfaces adjacent to the existing runways.

"Minimum Instrument Flight Altitude" - An altitude established for instrument flight between radio fixes that provides obstacle clearance over the terrain and man-made objects and adequate for navigational performance and communications requirements.

"Non-Conforming Use" - Any structure, tree, or use of land which is lawfully in existence at the time this Part or an amendment thereto becomes effective and does not then meet the requirements of this Part.

"Non-Precision Instrument Runway" - A runway having an existing instrument approach utilizing air navigation

"Slope Ratio" - A numerical expression of a stated relationship of height to horizontal distance, e.g. 100

"Visual Runway" - A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

Section 37.30 Surfaces and Height Limitations

- a) Establishment and Creation
- 1) The following airport imaginary surfaces are established with relation to the airport and to

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each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

- 2) Such airport imaginary surfaces are hereby created and established in order to carry out the provisions of this Part. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C) for Dupage Airport prepared by Crawford Murphy & Tilly, Inc., Aurora, Illinois. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.

- 3) Except as otherwise provided in this Part, no structure or tree shall be erected, altered, allowed to grow, or maintained in any surface created by this Part to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:

b) Horizontal Surface

- 1) A horizontal plane 150 feet above the established airport elevation of 654 feet Above Mean Sea Level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;
 - B) 10,000 feet for all other runways.

- 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for

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either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

- c) Conical Surface
 - 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
 - 2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250 feet for utility runways having only visual approaches;
 - B) 500 feet for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500 feet for visual runways having only visual approaches;
 - ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;
 - iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

- e) Approach Surface - A surface longitudinally centered on the extended runway centerline and extending outward

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and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

- A) 1,250 feet for that end of a utility runway with only visual approaches;
- B) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
- C) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
- D) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
- E) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
- F) 16,000 feet for precision instrument runways.

2) The approach surface extends for a horizontal distance of:

- A) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways;
- B) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument runways other than utility; and
- C) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.

3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

f) Transitional Surface - These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150 feet above the airport elevation

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which is 554 feet AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.

- g) Circling Approach Surface - This is a surface 200 feet above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Dupage Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
- h) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
- i) Excepted Height Limitations - Nothing in this Part shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the ground.

Section 37.40 Use Restrictions

Notwithstanding any other provisions of this Part, no use may be made of land or water within any surface established by this Part as follows:

- a) Electrical or Electronic Interference
 - 1) In such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft.
 - 2) If a complaint of such interference is received by the Department, a Flight Safety Coordinator shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the airport, the traffic patterns at the airport, the time of day and frequency of the interference.
- b) Flashing or Illuminated Structures
 - 1) The installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots.

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- 2) In determining whether such a hazard exists, a Flight Safety Coordinator shall consider factors which include, but are not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft, the proximity of the illuminated structure to the airport, and the traffic patterns at the airport.

c) Smoke

- 1) A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
- 2) In determining if such an emission or discharge of smoke would interfere with the health and safety of pilots and the public, a Flight Safety Coordinator shall consider all relevant factors which include, but are not limited to the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day, and volume and type of aircraft which use the airport.

Section 37.50 Non-Conforming Uses

- a) Regulations Not Retroactive - Those surface regulations prescribed by this Part shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any non-conforming use. Nothing contained in this Part shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently prosecuted.

b) Marking and Lighting

- 1) Notwithstanding the provisions of subsection (a), the owner of any existing non-conforming structure is required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary by the Department to

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- 2) indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the City of West Chicago.

In determining the necessity for such markers and lights, the Department shall consider all relevant conditions, including but not limited to, the traffic patterns, volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 37.60 Permits

- a) Future Uses - Except as specifically provided in subsections (1), (2), and (3), no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface created unless a permit shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Part. If such determination is in the affirmative, the permit shall be granted.

- 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in this Part, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when, because of terrain, land contour or topographic features such tree or structure, would extend above the height limits prescribed for such surface.

- 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height

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limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.

- 3) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.

- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits prescribed by this Part.

Section 37.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed

Whenever the Department, following a Flight Safety Coordinator's personal inspection, observation and estimation, DETERMINES THAT A NON-CONFORMING STRUCTURE or use or tree HAS BEEN ABANDONED OR MORE THAN 80 PER CENT demolished, DESTROYED, physically DETERIORATED, OR DECAYED:

- a) NO PERMIT SHALL BE GRANTED by the Department THAT WOULD ALLOW SUCH STRUCTURE or use or tree TO EXCEED THE APPLICABLE HEIGHT LIMIT OR OTHERWISE DEVIATE FROM these ZONING REGULATIONS; AND
- b) WHETHER APPLICATION IS MADE FOR A PERMIT, OR NOT, THE DEPARTMENT MAY issue an order pursuant to subsection (c), in cases where the remaining structure or use or tree constitutes a violation of this Part, compelling THE OWNER OF THE NON - CONFORMING STRUCTURE or use or tree, AT HIS OWN EXPENSE, TO LOWER, REMOVE, RECONSTRUCT, OR EQUIP SUCH structure or use or tree AS MAY BE NECESSARY TO CONFORM TO these zoning REGULATIONS. IF THE OWNER OF THE NON-CONFORMING STRUCTURE or use or tree SHALL NEGLECT OR REFUSE TO COMPLY WITH SUCH ORDER within ten DAYS AFTER NOTICE THEREOF, THE DEPARTMENT MAY PROCEED TO HAVE such structure or use or tree SO LOWERED, REMOVED, RECONSTRUCTED OR EQUIPPED AND SHALL HAVE A LIEN, ON BEHALF OF THE STATE, UPON THE LAND WHEREON IT IS OR WAS LOCATED, IN THE AMOUNT OF THE COST AND EXPENSE THEREOF. SUCH LIEN MAY BE ENFORCED BY THE DEPARTMENT ON BEHALF OF THE STATE BY suit in equity FOR THE

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NOTICE OF ADOPTED RULE

ENFORCEMENT THEREOF AS IN THE CASE OF OTHER LIENS. (Section 23 of the Act)

- c) The Department shall issue an order if it is determined that the non-conforming structure or use or tree interferes with traffic patterns at the airport. In making such a determination the Department shall consider factors which include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or instrument runways.

Section 37.80 Variances

- a) General - ANY PERSON wishing to erect or increase the height of ANY STRUCTURE, OR PERMIT any GROWTH, OR USE HIS PROPERTY not in accordance with these ZONING REGULATIONS, MAY APPLY TO THE DEPARTMENT FOR A VARIANCE FROM these ZONING REGULATIONS. SUCH VARIANCES SHALL BE ALLOWED WHERE it is found that A LITERAL APPLICATION OR ENFORCEMENT OF these ZONING REGULATIONS WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP AND THE RELIEF GRANTED WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST BUT WOULD DO SUBSTANTIAL JUSTICE AND BE IN ACCORDANCE WITH THE SPIRIT OF these ZONING REGULATIONS. (Section 24 of the Act)
- b) Marking and Lighting - Any Variance granted by the Department may be so conditioned as to require the owner of such structure or tree to permit, at the expense of the owner, the installation, operation and maintenance of such markers and lights as may be required to indicate to pilots the presence of such structure or tree.
- c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the airport, the proximity of other non-conforming uses, structures or trees which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.

Section 37.90 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice - The

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Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitations established by Section 37.30 with respect to Dupage Airport:

- 1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
 - 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3200 feet in actual length.
 - B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200 feet in actual length.
 - 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subsection (a)(1) or (a)(2).
 - 4) Any construction or alteration that would exceed a standard of the Act or this Part.
- b) Construction or Alteration Not Requiring Notice - No person is required to notify the Department for any of the following construction or alterations with respect to Dupage Airport:
- 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
 - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device less than 50 feet in height.
 - 3) Any object that would be shielded by permanent and substantial existing structures of equal or

greater height or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not obstruct or interfere with aircraft using the airport, or cause any additional adverse effect on airport operations by considering the height and location of the existing uses and structures.

- c) Form and Time of Notice
 - 1) Each person who is required to notify the Department under subsection (a) shall forward one executed form set (in four copies) of the Department's Form No. DA-39 (for an example, see Exhibit A) to the Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
 - 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
 - 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in subsection (c)(2) does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five days. For example, an emergency could include breaks in sewer lines, gas mains or power lines.
- d) Acknowledgment of Notice
 - 1) The Department will acknowledge in writing the receipt of such notice submitted under subsection (a) within 30 days of receipt of such notice.
 - 2) The acknowledgment will state that a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would under federal rules require lighting or marking standards as prescribed in Advisory Circular, Department of Transportation, Federal Aviation Administration (FAA), Subject: Obstruction, Marking and Lighting, AC No: 70/7460-1, as provided in 14 CFR 77.11 (b)(3), January 1, 1990, not including any later amendment or editions, and information on how the structure should be marked and lighted in accordance with such

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULE

- B) Would not exceed any standard of the Act or this Part; or
- C) Would exceed a standard of the Act, Aviation Safety Rules (92 Ill. Adm. Code 14), or this Part; or
- D) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 37.100 Enforcement

It shall be the duty of the Department to administer and enforce this Part. Applications for permits or variances, required by this Part to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

Section 37.110 Appeal and Judicial Review

- a) APPEAL - ANY PERSON AGGRIEVED BY ANY DECISION OF THE DEPARTMENT MADE IN ADMINISTRATION OF THIS PART MAY APPLY TO THE DEPARTMENT TO REVERSE, WHOLLY OR PARTLY, OR MODIFY, OR OTHERWISE CHANGE, ABROGATE OR RESCIND ANY SUCH DECISION. THE PROCEDURE PRESCRIBED BY THE ACT FOR PROCEEDINGS BEFORE BOARD OF APPEAL SHALL GOVERN SUCH APPLICATION TO THE DEPARTMENT. (Section 29 of the Act)
- b) Judicial Review - Any person aggrieved, or any taxpayer affected by any decision of the Department, may appeal to the Circuit Court of Dupage County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of The Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, pars. 3-101 et seq.).

Section 37.120 Penalties

Each violation of this Part or of ANY REGULATIONS, ORDERS, OR RULINGS PROMULGATED hereunder shall constitute an airport hazard and a PETTY OFFENSE, and such hazard shall be removed by proper legal proceedings and EACH DAY A VIOLATION CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE. IN ADDITION, THE DEPARTMENT MAY INSTITUTE IN THE Circuit Court of Dupage County,

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Illinois, or CIRCUIT COURT OF ANY COUNTY IN WHICH THE AIRPORT HAZARD is wholly or partly located, AN ACTION TO PREVENT AND RESTRAIN, CORRECT OR ABATE, ANY VIOLATION OF these ZONING REGULATIONS, OR OF ANY regulation, ORDER OR RULING MADE IN CONNECTION WITH THEIR ADMINISTRATION OR ENFORCEMENT, AND THE COURT SHALL ADJUDGE SUCH RELIEF BY WAY OF INJUNCTION (WHICH MAY BE MANDATORY) OR OTHERWISE, AS MAY BE PROPER UNDER ALL THE FACTS AND CIRCUMSTANCES OF THE CASE, IN ORDER FULLY TO EFFECTUATE THE PURPOSES OF these zoning REGULATIONS as ADOPTED AND ORDERS AND RULINGS MADE PURSUANT THERETO. (Section 34 of the Act)

Section 37.130 Conflicting Regulations

Where a conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or trees, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 37.140 Severability

If any of the provisions of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

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NOTICE OF ADOPTED AMENDMENTS

rule would require a 7.3 foot raise costing the Department an estimated six and a half million dollars over and above the cost of replacing the bridge at the existing grade.

In addition, raising the bridge to accommodate the required vertical clearance would cause the disturbance of wetlands and would require construction easements on adjacent property owned by the Department of Conservation. Moreover, one local business would be impacted by a reduction in existing parking areas, and several driveways would have to be raised to meet the new grade.

The vertical clearance provided by the proposed replacement bridge (7.7 feet) is adequate at the route 173 bridge location because it is above the Chain-of-Lakes and only 1.2 miles from the State line. Also, this location is not attractive to large craft because the water is shallow, the river meanders and the Wilmot Dam is just north of the structure.

The Department is deleting Section 720.10(b) because there is no reason for this verbiage.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. David R. Boyce, P.E.
Chief, Floodplain Management Section
Department of Transportation
Division of Water Resources
3215 Executive Park Drive, Room 404
Springfield, Illinois 62703-3215
(217) 782-3862

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENT
TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER I: WATER RESOURCES

PART 720
RULES ESTABLISHING HORIZONTAL AND VERTICAL
CLEARANCES FOR BRIDGES OVER THE FOX RIVER
BETWEEN ALGONQUIN AND THE
ILLINOIS-WISCONSIN STATE LINE

Section
720.10 Authority and Clearances

AUTHORITY: Implementing and authorized by An Act in relation to the regulation of the rivers, lakes and streams of the State of Illinois (Ill. Rev. Stat. 1989, ch. 19, pars. 52 et seq.).

SOURCE: Filed March 4, 1988; codified at 6 Ill. Reg. 14689; amended at 15 Ill. Reg. 9068, effective June 10, 1991.

Section 720.10 Authority and Clearances

a) The Department of Public-Works-and-Buildings Transportation of the State-of-Illinois, acting under authority conferred upon said Department it by "AN ACT in relation to the regulation of rivers, lakes and streams of the State of Illinois", approved June 10, 1911, effective July 1, 1911, as amended (Ill. Rev. Stat. 1981, ch. 19, pars. 52 et seq.), does hereby declare and order, pursuant to an investigation and hearing concerning the adequacy of horizontal and vertical bridge clearance of a new bridge proposed to be constructed by the Department's Division of Highways of said Department to replace the existing five arch structure known as Burton's Bridge in Section 19, Township 44 North, Range 9 East of the Third Principal Meridian, McHenry County, Illinois, that the minimum horizontal clearance for bridges hereafter constructed over the Fox River between Algonquin and the Illinois-Wisconsin State-line southern (downstream) right-of-way limit of route 173 shall be 100 feet and minimum vertical clearance for such bridges shall be 15 feet, above normal pool level.

b) The foregoing is hereby adopted by the Department of Public-Works-and-Buildings-as-a rule governing minimum horizontal-and-vertical clearances-of-bridges-of-any-type-which may hereafter be erected-or-constructed-over-the-Fox-River-in-that-reach-of-said-river-from Algonquin-Illinois-to-the-Illinois-Wisconsin-State-line.

(SOURCE: Amended at 15 Ill. Reg. 9068, effective June 10, 1991)

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 3, 1991 through June 11, 1991, and have been scheduled for review by the Committee at its July, 1991 meeting. Other items not contained in this published list may also be considered by the Committee at its July meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

| Second Notice Expires | Agency and Rule | Start of First Notice | Scheduled for Consideration by JCAR |
|-----------------------|--|------------------------------|-------------------------------------|
| 7/19/91 | Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112) | 4/19/91 15 Ill. Reg. 5502 | July, 1991 |
| 7/19/91 | Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112) | 2/15/91 15 Ill. Reg. 2521 | July, 1991 |
| 7/19/91 | Department of Public Aid, Food Stamps (89 Ill. Adm. Code 121) | 4/19/91 15 Ill. Reg. 5525 | July, 1991 |
| 7/19/91 | Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113) | 4/19/91 15 Ill. Reg. 5517 | July, 1991 |
| 7/19/91 | Department of Public Aid, General Assistance (89 Ill. Adm. Code 114) | 4/19/91 15 Ill. Reg. 5539 | July, 1991 |
| 7/19/91 | Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140.3 and 140.7) | 4/19/91 15 Ill. Reg. 5585 | July, 1991 |
| 7/19/91 | Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120.11-120.391) | 4/19/91 15 Ill. Reg. 5551 | July, 1991 |
| 7/19/91 | Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120.235; 120.281 and 120.335) | 4/19/91 15 Ill. Reg. 5551 | July, 1991 |

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

| Second Notice Expires | Agency and Rule | Start of First Notice | Scheduled for Consideration by JCAR |
|-----------------------|--|--------------------------------|-------------------------------------|
| 7/22/91 | Department of Commerce and Community Affairs, Training Services for the Disadvantaged (56 Ill. Adm. Code 2610) | 3/15/91 15 Ill. Reg. 3641 | July, 1991 |
| 7/22/91 | Department of Commerce and Community Affairs, Economic Dislocation and Worker Adjustment Assistance (56 Ill. Adm. Code 2625) | 12/14/90 14 Ill. Reg. 19495 | July, 1991 |
| 7/22/91 | Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310) | 4/12/91 15 Ill. Reg. 5147 | July, 1991 |
| 7/22/91 | Department of Insurance, Policyholder Security Deposit Act, Repeal of (50 Ill. Adm. Code 918) | 2/22/91 15 Ill. Reg. 2899 | July, 1991 |
| 7/25/91 | Illinois Racing Board, Licensing (11 Ill. Adm. Code 502) | 4/19/91 15 Ill. Reg. 5609 | July, 1991 |
| 7/25/91 | Illinois Racing Board, Medication (11 Ill. Adm. Code 509) | 4/19/91 15 Ill. Reg. 5614 | July, 1991 |
| 7/25/91 | Department of Employment Security, Disqualifying Income and Reduced Benefits (56 Ill. Adm. Code 2920) | 4/19/91 15 Ill. Reg. 5495 | July, 1991 |
| 7/26/91 | Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120) | 4/26/91 15 Ill. Reg. 6089 | July, 1991 |

PROCLAMATION

91-284

SAFE BOATING WEEK

Whereas, the waterways of Illinois will be put to good use this year, as every year, by nearly 350,000 registered recreational craft; and

Whereas, responsibility and safety are important factors in making each boating outing an enjoyable one; and

Whereas, since 1978 more than 34,000 boaters under age 18 have learned boating safety techniques through programs sponsored by the Illinois Department of Conservation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 2-8, 1991, as SAFE BOATING WEEK in Illinois in conjunction with the national observance. I urge all recreational boaters to focus their attention on the importance of safety and courtesy in boating.

Issued by the Governor May 28, 1991.

Filed with the Secretary of State June 10, 1991.

91-285

ECC MUSIC WORKSHOP DAYS

Whereas, the ECC Music Workshop is a Chicago-based organization geared to upgrading the performance, quality, and music administration of various choirs, community choral organizations, ensembles, musicians, and soloists; and

Whereas, the ECC Music Workshop will help preserve gospel music as an art form and be a consulting organization for the general public. It is designed to give future generations a history of the gospel music experience; and

Whereas, the workshop offers seminars, symposiums, performance series, and other activities that focus on preserving and promoting gospel music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 8-13, 1991, as ECC MUSIC WORKSHOP DAYS in Illinois in recognition of the strides the workshop has taken to preserve gospel music.

Issued by the Governor June 3, 1991.

Filed with the Secretary of State June 10, 1991.

91-286

FRATERNAL WEEK

Whereas, the president of the National Fraternal Congress of America, an affiliation of 100 fraternal benefit societies and more than 10 million members, has designated June 8 through 14, 1991, as Fraternal Week; and

Whereas, the fraternal benefit system performs many

religious, charitable, patriotic, and benevolent activities through its societies and local units; and

Whereas, the local units of these societies and their members render great service to our state and nation through civic and patriotic projects; and

Whereas, the fraternal benefit societies have long proclaimed their patriotism and celebrate Fraternal Week through special observance of Flag Day, June 14, and are a part of the National Fraternal Flag Day Foundation; and

Whereas, the National Fraternal Congress of America calls upon leaders of all its societies to apprise the nation of the ideals and objectives of the fraternal benefit system and to unite in observance of Fraternal Week and Flag Day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 8-14, 1991, as FRATERNAL WEEK in Illinois and call upon citizens to lend their support and show their appreciation of the contributions made by the fraternal benefit system.

Issued by the Governor June 3, 1991.

Filed with the Secretary of State June 10, 1991.

91-287

THOMAS ARMSTEAD, BARBARA PETRILLI,
AND FIREFLY, INC. COMMENDED

Whereas, for six years, Firefly, Inc., a statewide volunteer organization, has provided fire safety instruction to more than 52,000 Illinois children, with the help of the character Freddy Firefly; and

Whereas, State Fire Marshal Thomas Armstead should be highly commended for his dedicated participation in Firefly, Inc.'s endeavor to save the lives of young children in Illinois; and

Whereas, Barbara Petrilli, who works for the State Fire Marshal's Office, has shown immeasurable support for the life-saving techniques promoted by Firefly, Inc.; and

Whereas, Barbara has earned many awards for her tireless work in fire and burn prevention, including the prestigious Coven/Titone Award, given annually to Firefly, Inc.'s most outstanding volunteer;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend THOMAS ARMSTEAD, BARBARA PETRILLI, AND FIREFLY, INC. for their outstanding efforts to educate our young citizens about fire and burn prevention.

Issued by the Governor June 3, 1991.

Filed with the Secretary of State June 10, 1991.

91-288

BLOOD DONOR AWARENESS MONTH

Whereas, blood donations are needed daily for patients suffering from cancer, leukemia, severe anemia, joint

replacements, and heart disease; for people having organ transplants; and for use in emergency rooms around the state; and Whereas, an adequate supply of every blood type needs to be available at all times to meet the needs of patients in communities throughout our state; and Whereas, giving blood is a safe, normal, and healthy activity that helps save lives; and

Whereas, Blood Donor Awareness Month has been established to encourage healthy citizens to join the ranks of blood donors. This observation comes during the season when blood supplies are typically short; and

Whereas, special recognition should be given to the silent heroes who continue to unselfishly help save lives with each blood donation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1991 as BLOOD DONOR AWARENESS MONTH in Illinois and strongly urge citizens to recognize the importance of donating blood.

Issued by the Governor June 4, 1991.

Filed with the Secretary of State June 10, 1991.

91-289

EAST CENTRAL ILLINOIS BUSINESS APPRECIATION WEEK

Whereas, on May 15, 1984, the East Central Illinois Development Corporation was founded to devise and implement a regional economic development strategy; and

Whereas, the corporation is a consortium of representatives from the nine east central Illinois counties of Christian, Clark, Coles, Cumberland, Douglas, Edgar, Effingham, Moultrie, and Shelby; and

Whereas, the corporation is working to retain, expand, and attract business and industry to boost the economy and increase employment opportunities in this region; and

Whereas, the East Central Illinois Development Corporation has taken strides to attain economic growth through the implementation of programs in climate development, regionalism, and human resources;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 9-15, 1991, as EAST CENTRAL ILLINOIS BUSINESS APPRECIATION WEEK in Illinois in recognition of the corporation's efforts to promote economic growth in the east central Illinois region.

Issued by the Governor June 4, 1991.

Filed with the Secretary of State June 10, 1991.

91-290

ILLINOIS LAW ENFORCEMENT EXPLORER WEEK

Whereas, the Illinois Law Enforcement Exploring Committee

(ILEEC) is a group of police officers from state, country, and city agencies who organize training and informational events for Law Enforcement Explorers in our state; and

Whereas, Law Enforcement Exploring, an entity of the Boy Scouts of America, is comprised of young men and women ages 14 to 21 who are interested in or are aggressively pursuing a career in law enforcement; and

Whereas, the ILEEC gives explorers the opportunity to experience the various law enforcement functions from both an educational and a career aspect, provides youths with a positive relationship with the police, and instills the characteristics of good citizenship; and

Whereas, the people involved in the more than 100 Law Enforcement Explorer Posts around our state serve our communities without compensation by assisting the police agencies that sponsor them; and

Whereas, since 1982, the ILEEC has arranged and operated a biennial conference for explorers; and

Whereas, the 1991 ILEEC Conference will be held June 24-28, 1991, in Champaign, to provide training, demonstrations, and competition in simulated law enforcement scenarios;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 24-28, 1991, as ILLINOIS LAW ENFORCEMENT EXPLORER WEEK in Illinois and encourage all young people interested in a career in law enforcement to get involved.

Issued by the Governor June 4, 1991.

Filed with the Secretary of State June 10, 1991.

91-291

METRIC WEEK

Whereas, the Metric Conversion Act of 1975 established a national policy of coordinating and planning increased voluntary usage of the entire metric system in the United States; and

Whereas, the United States Metric Association is a nonprofit organization dedicated to helping the American people, industry, and government adopt the international SI metric system as their primary means of measurement; and

Whereas, the United States and Burma are the only countries not using the metric system on a regular basis; and

Whereas, the metric system is less complex than America's current method of measure; and

Whereas, implementation of the metric system in our nation would allow our industries to more ably compete in the international market;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 6-12, 1991, as METRIC WEEK in Illinois and urge citizens to use the metric system whenever possible.

Issued by the Governor June 4, 1991.

Filed with the Secretary of State June 10, 1991.

91-292

**MIDWEST REGIONAL CENTER FOR
DRUG FREE SCHOOLS CONFERENCE DAYS**

Whereas, achievement of National Education Goal Six, "Safe, Disciplined, and Drug Free Schools," is essential to the accomplishment of the other National Education Goals; and Whereas, measures to prevent drug and alcohol abuse should be incorporated into the national, state, and local efforts to reform our school system and improve student achievement; and Whereas, the use of alcohol and other drugs is detrimental to students' academic performance, social development, and overall health; and

Whereas, the Midwest Regional Center for Drug-Free Schools and Communities works with local schools to encourage students to resist and avoid using drugs and alcohol; and

Whereas, under the direction of Maxine Womble, the center is sponsoring its first regional conference June 6-8, 1991, in Chicago; and

Whereas, the conference, entitled "Building Partnerships for Change: Restructuring to Make Drug Free Schools and Communities a Reality," aims to disseminate prevention research findings and information on exemplary school programs and practices; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 6-8, 1991, as MIDWEST REGIONAL CENTER FOR DRUG FREE SCHOOLS CONFERENCE DAYS in Illinois.

Issued by the Governor June 4, 1991.

Filed with the Secretary of State June 10, 1991.

91-293

R.J. GRUNTS DAY

Whereas, R.J. Grunts, the first Lettuce Entertain You Enterprises, Inc., restaurant created by Richard Melman and the late Jerry A. Orzoff will commemorate its 20th anniversary on Monday, June 10, 1991; and

Whereas, R.J. Grunts brought vegetarian dining into the mainstream, offering heart-healthy menu selections; and

Whereas, R.J. Grunts began a trend in Chicago restaurant dining by developing the city's first salad bar which today carries more than 50 items; and

Whereas, the success of R.J. Grunts led Richard Melman to create one of the nation's leading independent restaurant groups, which now owns more than 25 establishments located in Illinois, Arizona, California, and Osaka, Japan;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 10, 1991, as R.J. GRUNTS DAY in Illinois.

Issued by the Governor June 4, 1991.

Filed with the Secretary of State June 10, 1991.

91-294

SPECIAL OLYMPICS ADOPT-A-COP MONTH

Whereas, the Special Olympics is an organized physical fitness program to give mentally and physically disabled citizens an opportunity and challenge; and

Whereas, the program seeks to develop these special athletes' talents and abilities to the highest possible levels to encourage them to become all they can be; and

Whereas, Illinois law enforcement officers will be participating in the Sixth Annual Law Enforcement Torch Run for Special Olympics to increase community awareness of the significance of Special Olympics and to generate contributions for the program; and

Whereas, torch runners from throughout our state will converge in Bloomington-Normal, Illinois, June 14 to kick off the 1991 Special Olympics Summer Games;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1991 as SPECIAL OLYMPICS ADOPT-A-COP MONTH in Illinois. I urge all citizens, community leaders, businesses, and organizations to support our law enforcement officers as they conduct Special Olympics torch runs throughout Illinois on behalf of Special Olympics.

Issued by the Governor June 4, 1991.

Filed with the Secretary of State June 10, 1991.

91-295

U.S.S. LIBERTY MEMORIAL DAY

Whereas, the U.S.S. Liberty was a United States Navy ship classified as an auxiliary, general, technical, and research vessel; and

Whereas, the U.S.S. Liberty was attacked off the coast of Sinai by elements of the Israeli Defense Force on June 8, 1967, during the Six-Day War between Israel and surrounding Arab nations; and

Whereas, out of a crew of nearly 300, 34 American soldiers were killed and 171 were wounded in the attack; and

Whereas, we should set aside time to pay tribute to the crew members of the U.S.S. Liberty;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 8, 1991, as U.S.S. LIBERTY MEMORIAL DAY in Illinois.

Issued by the Governor June 4, 1991.

Filed with the Secretary of State June 10, 1991.

91-296

ALFRED EISENSTAEDT WEEK

Whereas, Alfred Eisenstaedt is recognized as one of the

91 world's most renowned photographers. His photographs are imprinted on the memories of millions of people; and Whereas, after Eisenstaedt fled from Nazi Germany in the mid-1930s, he came to New York, where his impressive photography got him a job as one of the four original photographers on the staff of LIFE magazine; and

Whereas, throughout his career, he shot more than 2,500 assignments, capturing the historic moments of the world, often through the reaction of ordinary people; and Whereas, at age 92, he is still a photographer for LIFE, working without an assistant and with a minimum of equipment, opting rather for the eye and reaction as the most important elements; and

Whereas, Eisenstaedt, often called the father of photojournalism, will attend the opening of an exhibit of his best-known images;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 14-18, 1991, as ALFRED EISENSTAEDT WEEK in Illinois in recognition of his photographic talents and work in photojournalism.

Issued by the Governor June 5, 1991.

Filed with the Secretary of State June 10, 1991.

91-297

LEGAL ASSISTANCE DAY

Whereas, the Office of Legal Services of the Office of Economic Opportunity was created in 1965 to develop and fund a national program of free legal representation in civil matters for those unable to afford legal counsel; and

Whereas, in 1966, the first federal funds were provided to increase legal services to the poor and establish neighborhood offices in Chicago to give the city's poor easier access to free legal representation; and

Whereas, these federal funds were administered by the Legal Aid Bureau of United Charities from 1966 through 1973; and

Whereas, in 1967, federal OEO funds were also allocated to a new organization, Community Legal Counsel, to provide free legal representation in test cases and impact litigation; and

Whereas, in 1972, the Legal Assistance Foundation of Chicago (LAFAC) was incorporated and given responsibility for the activities of Community Legal Counsel. In 1973, the foundation was given responsibility for all legal representation conducted with federal funds in the City of Chicago; and

Whereas, LAFAC will be celebrating its 25th anniversary June 10 with a luncheon at the Palmer House Hotel;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 10, 1991, as LEGAL ASSISTANCE DAY in Illinois and commend the Legal Assistance Foundation of Chicago for its efforts and successes in furthering the cause of justice in Chicago.

Issued by the Governor June 5, 1991.
Filed with the Secretary of State June 10, 1991.

91-298

DISABLED AMERICAN VETERANS DAYS

Whereas, the Disabled American Veterans, the third largest of the state's veterans organizations, consists of members who have suffered service-connected disabilities during wartime; and

Whereas, this year Disabled American Veterans will be holding their 69th annual convention; and

Whereas, our Disabled American Veterans represent a special sector of society--war participants deserving of our pride;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 14-16, 1991, as DISABLED AMERICAN VETERANS DAYS in Illinois.

Issued by the Governor June 6, 1991.

Filed with the Secretary of State June 10, 1991.

91-299

HONORING ELDERS WEEK

Whereas, the Korean American elders have shared their knowledge, wisdom, experiences, and skills with our citizens; and Whereas, they have contributed to the culture of our state and our nation; and

Whereas, the Korean American elders support progress in our state, nation, and beyond; and

Whereas, through the Illinois Department on Aging, we have made a commitment to make Illinois a better place for our citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 7-13, 1991, as HONORING ELDERS WEEK in Illinois in recognition of the efforts the elders are making to improve our society.

Issued by the Governor June 6, 1991.

Filed with the Secretary of State June 10, 1991.

91-300

TOM AND ELLEN CUCULICH DAY

Whereas, Tom and Ellen Cuculich are lifelong Illinois residents; and

Whereas, Tom and Ellen Cuculich have selflessly toiled to raise five wonderful children--Carole, Mary, Nancy, Tom, and John, and also enjoy nine grandchildren; and

Whereas, Tom and Ellen Cuculich have been faithful members and supporters of Queen of Martyrs Church and have provided a Catholic education for all of their children; and

Whereas, Tom and Ellen Cuculich are entering a well-deserved retirement after years of dedicated employment at Nelson Brothers, Inc. and St. Xavier College, respectively; and Whereas, Tom and Ellen Cuculich are celebrating their 38th year of joyous matrimony;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 27, 1991, as TOM AND ELLEN CUCULICH DAY in Illinois in recognition of their lifelong commitment of love to each other and their family.

Issued by the Governor June 6, 1991.

Filed with the Secretary of State June 10, 1991.

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JCAR - Joint Committee on Administrative Rules

ACTION CODES

| | |
|--|--|
| A - Adopted Rule | P - Proposed Rule |
| AR - Adopted Repealer | PF - Prohibited Filing Ordered by JCAR |
| C - Notice of Corrections | PP - Peremptory or Court ordered Rules |
| CC - Codification Changes | PR - Proposed Repealer |
| E - Emergency Rule | R - Refusal to meet JCAR objection |
| ER - Emergency Repealer | RC - Statement of Recommendation |
| M - Modification to meet JCAR objections | S - Suspension ordered by JCAR |
| O - JCAR Statement of Objections | W - Withdrawal to meet JCAR objections |

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

| | | | |
|-------|------|----------------------|---|
| TITLE | PART | 8 Ill. Adm. Code 285 | III. Grain Insurance Act (P-18048/85; A-6818) |
| | | ACTION CODE | PAGE NUMBER |
| | | PREVIOUS VOLUME | ACTION CODE |

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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 8 Ill. Adm. Code 270 Ill. State Fair & DuQuoin State Fair, Non-Fair Space Rental & the General Operation of the State Fairgrounds (P-10965/90; A-455)
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-620; W-1574) (P-1583) (PP-3117) (PP-8714) (P-1583; A-8801)
 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-6135)
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| am | = amendment to existing Section | A | = Adopted rule |
| cc | = codification changes | C | = Correction |
| n | = new Section | CC | = Codification Changes |
| r | = repeal of existing Section | E | = Emergency rule |
| rc | = reclassified | F | = Failure to Remedy Objections |
| # | = renumbered | M | = Modification |
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| | | R | = Refusal to Modify or Withdraw |
| | | RC | = ICAR Recommendation |
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| 640.230 | n | (P-13391/90; A-7558) | 590.20 | am | (P-7809) |
| 640.240 | n | (P-13391/90; A-7558) | 590.25 | am | (P-7809) |
| 640.250 | n | (P-13391/90; A-7558) | 590.30 | am | (P-7809) |
| 640.260 | n | (P-13391/90; A-7558) | 590.40 | am | (P-7809) |

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| 590.50 | ann | (P-7809) | 810.50 | ann | (P-18905/90; A-4699) |
| 590.60 | ann | (P-7809) | 810.70 | ann | (P-18905/90; A-4699) |
| 590.60 | ann | (P-7809) | 830.05 | n | (P-2057; RC-8314; A-8544) |
| 590.Ex.A | ann | (P-7809) | 830.20 | ann | (P-2057; RC-8314; A-8544) |
| 650.10 | ann | (P-4853) | 830.60 | ann | (P-2057; RC-8314; A-8544) |
| 650.20 | ann | (P-4853) | 830.70 | ann | (P-2057; RC-8314; A-8544) |
| 650.22 | ann | (P-4853) | 830.80 | ann | (P-2057; RC-8314; A-8544) |
| 650.23 | ann | (P-4853) | 830.90 | ann | (P-2057; RC-8314; A-8544) |
| 650.30 | ann | (P-4853) | 930.40 | ann | (P-6807) |
| 650.40 | ann | (P-4853) | 950.50 | ann | (P-6807) |
| 650.60 | ann | (P-4853) | 1070.20 | ann | (P-7855) |
| 660.10 | n | (P-19123/90; A-4777) | 1535.10 | n | (P-20117/90; A-5219) |
| 660.20 | ann | (P-6851) | 1590.50 | ann | (P-16174/90; A-32) |
| 660.20 | ann | (P-19123/90; A-4777) | 1590.80 | ann | (P-16174/90; A-32) |
| 660.21 | ann | (P-6851) | 2520.50 | ann | (P-16174/90; A-32) |
| 660.21 | ann | (P-19123/90; A-4777) | 2550.10 | ann | (P-725; A-7653) |
| 660.25 | ann | (P-6851) | 2550.15 | n | (P-3655) |
| 660.25 | ann | (P-19123/90; A-4777) | 3035.10 | ann | (P-18365/90; A-4117) |
| 660.30 | ann | (P-6851) | 3035.30 | ann | (P-18365/90; A-4117) |
| 660.30 | ann | (P-19123/90; A-4777) | 3035.40 | ann | (P-18365/90; A-4117) |
| 660.40 | ann | (P-6851) | 3035.50 | ann | (P-18365/90; A-4117) |
| 660.40 | ann | (P-19123/90; A-4777) | 3035.60 | ann | (P-18365/90; A-4117) |
| 660.45 | n | (P-6851) | 3035.70 | ann | (P-18365/90; A-4117) |
| 660.50 | ann | (P-19123/90; A-4777) | 3040.Ap. B | ann | (P-18380/90; A-4132) |
| 660.60 | ann | (P-6851) | 3040.Ap. C | ann | (P-18380/90; A-4132) |
| 670.10 | ann | (P-4836) | 3040.Ap. D | n | (P-18380/90; A-4132) |
| 670.20 | ann | (P-4836) | 3040.Ap. E | n | (P-18380/90; A-4132) |
| 670.30 | ann | (P-4836) | 3040.Ap. F | n | (P-18380/90; A-4132) |
| 670.40 | ann | (P-4836) | 3040.Ap. G | n | (P-18380/90; A-4132) |
| 670.60 | ann | (P-4836) | 4160.10 | n | (P-1680) |
| 680.10 | n | (P-8107) | 4160.20 | n | (P-1680) |
| 680.20 | n | (P-8107) | 4160.30 | n | (P-1680) |
| 680.30 | n | (P-8107) | 4160.40 | n | (P-1680) |
| 680.40 | n | (P-8107) | 4160.50 | n | (P-1680) |
| 680.50 | n | (P-8107) | 4160.60 | n | (P-1680) |
| 680.60 | n | (P-8107) | 4160.70 | n | (P-1680) |
| 680.70 | n | (P-8107) | 4160.80 | n | (P-1680) |
| 690.20 | ann | (P-4214) | 4160.90 | n | (P-1680) |
| 690.30 | ann | (P-4214) | 4160.100 | n | (P-1680) |
| 710.10 | ann | (P-18409/90; A-4161) | 4160.110 | n | (P-1680) |
| 710.20 | ann | (P-18409/90; A-4161) | 4160.120 | n | (P-1680) |
| 710.30 | ann | (P-18409/90; A-4161) | 4160.130 | n | (P-1680) |
| 710.50 | ann | (P-18409/90; A-4161) | 4160.140 | n | (P-1680) |
| 710.60 | ann | (P-18409/90; A-4161) | 4160.160 | n | (P-1680) |
| 715.10 | ann | (P-6842) | 4160.170 | n | (P-1680) |
| 715.20 | ann | (P-6842) | 4160.180 | n | (P-1680) |
| 715.30 | ann | (P-6842) | TITLE 20 | | |
| 715.40 | ann | (P-6842) | 107.140 | n | (P-19507/90; A-5638) |
| 720.10 | ann | (P-6836) | 405.10 | ann | (P-1; A-5642) |
| 720.40 | ann | (P-6836) | 405.15 | ann | (P-1; A-5642) |
| 730.10 | ann | (P-4200) | 405.17 | ann | (P-1; A-5642) |
| 730.20 | ann | (P-4200) | 405.20 | ann | (P-1; A-5642) |
| 730.30 | ann | (P-4200) | 405.30 | ann | (P-1; A-5642) |
| 740.10 | ann | (P-4222) | 405.40 | r | (P-1; A-5642) |
| 740.20 | ann | (P-4222) | 405.50 | ann | (P-1; A-5642) |
| 810.30 | r | (P-18905/90; A-4699) | 405.55 | ann | (P-1; A-5642) |
| 810.35 | ann | (P-18905/90; A-4699) | 405.60 | n | (P-1; A-5642) |
| 810.35 | ann | (P-8101) | 405.70 | ann | (P-1; A-5642) |
| 810.37 | ann | (P-18905/90; A-4699) | 415.15 | ann | (P-15228/90; A-988) |
| 810.40 | r | (P-18905/90; A-4699) | 415.20 | ann | (P-15228/90; A-988) |
| 810.45 | ann | (P-18905/90; A-4699) | 415.30 | ann | (P-15228/90; A-988) |
| 810.45 | ann | (P-5160) (E-5430) | | | |

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| 211.122 | am | (P-4573) (P-12697/90; A-5223) (P-6385) (P-8416/90; A-7901) | 218.207 218.208 218.209 218.210 218.211 218.301 218.302 218.303 218.304 218.401 218.402 218.403 218.404 218.405 218.421 218.422 218.423 218.424 218.425 218.426 218.427 218.428 218.429 218.430 218.431 218.432 218.443 218.444 218.445 218.446 218.447 218.448 218.449 218.450 218.451 218.452 218.453 218.461 218.462 218.463 218.464 218.465 218.466 218.480 218.481 218.482 218.483 218.484 218.485 218.486 218.487 218.488 218.489 218.521 218.522 218.526 218.527 218.541 218.541 218.561 218.562 218.563 218.561 218.582 218.583 |
| 212.110 | am | (P-4668) | (P-3675) |
| 212.111 | am | (P-4668) | (P-3675) |
| 212.113 | am | (P-4668) | (P-3675) |
| 212.205 | am | (P-791) | (P-3675) |
| 212.423 | n | (P-4668) | (P-3675) |
| 212.424 | n | (P-4668) | (P-3675) |
| 212.443 | am | (P-791) | (P-3675) |
| 214.101 | am | (P-11098/90; A-1017) | (P-3675) |
| 214.104 | am | (P-11098/90; A-1017) | (P-3675) |
| 215.100 | am | (P-3659) | (P-3675) |
| 215.102 | am | (P-8877/90; A-8018) | (P-3675) |
| 215.105 | am | (P-8877/90; A-8018) | (P-3675) |
| 215.108 | n | (P-6414) (P-8877/90; A-8018) | (P-3675) |
| 215.123 | am | (P-768) | (P-3675) |
| 215.480 | am | (P-8877/90; A-8018) | (P-3675) |
| 215.481 | am | (P-8877/90; A-8018) | (P-3675) |
| 215.482 | am | (P-8877/90; A-8018) | (P-3675) |
| 215.483 | am | (P-8877/90; A-8018) | (P-3675) |
| 215.484 | am | (P-8877/90; A-8018) | (P-3675) |
| 215.485 | am | (P-8877/90; A-8018) | (P-3675) |
| 215.488 | am | (P-8877/90; A-8018) | (P-3675) |
| 215.489 | # | (P-8877/90; A-8018) | (P-3675) |
| 215.489 | n | (P-8877/90; A-8018) | (P-3675) |
| 215.490 | # | (P-8877/90; A-8018) | (P-3675) |
| 215.490 | am | (P-8877/90; A-8018) | (P-3675) |
| 215.581 | am | (P-3659) | (P-3675) |
| 215.585 | am | (P-12701/90; A-3309) | (P-3675) |
| 218.100 | n | (P-3675) | (P-3675) |
| 218.101 | n | (P-3675) | (P-3675) |
| 218.102 | n | (P-3675) | (P-3675) |
| 218.103 | n | (P-3675) | (P-3675) |
| 218.104 | n | (P-3675) | (P-3675) |
| 218.105 | n | (P-3675) | (P-3675) |
| 218.106 | n | (P-3675) | (P-3675) |
| 218.107 | n | (P-3675) | (P-3675) |
| 218.108 | n | (P-3675) | (P-3675) |
| 218.109 | n | (P-3675) | (P-3675) |
| 218.110 | n | (P-3675) | (P-3675) |
| 218.111 | n | (P-3675) | (P-3675) |
| 218.112 | n | (P-3675) | (P-3675) |
| 218.121 | n | (P-3675) | (P-3675) |
| 218.122 | n | (P-3675) | (P-3675) |
| 218.123 | n | (P-3675) | (P-3675) |
| 218.124 | n | (P-3675) | (P-3675) |
| 218.125 | n | (P-3675) | (P-3675) |
| 218.126 | n | (P-3675) | (P-3675) |
| 218.141 | n | (P-3675) | (P-3675) |
| 218.142 | n | (P-3675) | (P-3675) |
| 218.143 | n | (P-3675) | (P-3675) |
| 218.144 | n | (P-3675) | (P-3675) |
| 218.181 | n | (P-3675) | (P-3675) |
| 218.182 | n | (P-3675) | (P-3675) |
| 218.183 | n | (P-3675) | (P-3675) |
| 218.184 | n | (P-3675) | (P-3675) |
| 218.185 | n | (P-3675) | (P-3675) |
| 218.186 | n | (P-3675) | (P-3675) |
| 218.204 | n | (P-3675) | (P-3675) |
| 218.205 | n | (P-3675) | (P-3675) |
| 218.206 | n | (P-3675) | (P-3675) |

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| 415.70 | n | (P-152298/90; O-211107/90; R-1168; A-988) | (P-5034) |
| 460.10 | am | (P-18421/90; A-3479) | (P-5034) |
| 460.12 | am | (P-18421/90; A-3479) | (P-5034) |
| 460.15 | am | (P-18421/90; A-3479) | (P-5034) |
| 460.20 | am | (P-18421/90; A-3479) | (P-5034) |
| 460.30 | am | (P-18421/90; A-3479) | (P-5034) |
| 460.40 | am | (P-18421/90; A-3479) | (P-5034) |
| 460.50 | am | (P-18421/90; A-3479) | (P-5034) |
| 460.60 | am | (P-18421/90; A-3479) | (P-5034) |
| 460.70 | am | (P-18421/90; A-3479) | (P-5034) |
| 460.80 | am | (P-18421/90; A-3479) | (P-5034) |
| 460.90 | am | (P-18421/90; A-3479) | (P-5034) |
| 502.20 | am | (P-5935) | (P-5935) |
| 701.270 | am | (P-7861) | (P-5943) |
| 1215.10 | n | (P-12398/90; A-1107) | (P-3814/90; A-4450) |
| 1215.20 | n | (P-12398/90; A-1107) | (P-3814/90; A-4450) |
| 1215.30 | n | (P-12398/90; A-1107) | (P-3814/90; A-4450) |
| 1215.40 | n | (P-12398/90; A-1107) | (P-3814/90; A-4450) |
| 1215.50 | n | (P-12398/90; A-1107) | (P-3814/90; A-4450) |
| 1225.10 | n | (P-16847/90; A-5886) | (P-3814/90; A-4450) |
| 1225.20 | n | (P-16847/90; A-5886) | (P-3814/90; A-4450) |
| 1225.30 | n | (P-16847/90; A-5886) | (P-3814/90; A-4450) |
| 1225.40 | n | (P-16847/90; A-5886) | (P-3814/90; A-4450) |
| 1225.50 | n | (P-16847/90; A-5886) | (P-3814/90; A-4450) |
| 1560.10 | n | (P-8800/90; A-7034) | (P-3814/90; A-4450) |
| 1560.20 | n | (P-8800/90; A-7034) | (P-3814/90; A-4450) |
| 1560.30 | n | (P-8800/90; A-7034) | (P-3814/90; A-4450) |
| 1560.40 | n | (P-8800/90; A-7034) | (P-3814/90; A-4450) |
| 1560.50 | n | (P-8800/90; A-7034) | (P-3814/90; A-4450) |
| 1720.30 | am | (P-16198/90; A-999) | (P-3814/90; A-4450) |
| 1720.40 | am | (P-16198/90; A-999) | (P-3814/90; A-4450) |
| 1800.10 | n | (E-8702) | (P-3814/90; A-4450) |
| 1800.20 | n | (E-8702) | (P-3814/90; A-4450) |
| 1800.30 | n | (E-8702) | (P-3814/90; A-4450) |
| TITLE 23 | | | |
| 1.245 | n | (P-6931/90; O-211107/90; M-2877; A-2692) | (P-6931/90; O-211107/90; M-2877; A-2692) |
| 226.40 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.50 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.525 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.55 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.552 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.560 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.605 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.612 | r | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.615 | r | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.620 | r | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.680 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.684 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.720 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 226.730 | am | (P-11068/90; A-40) | (P-11068/90; A-40) |
| 250.70 | am | (P-11447/90; A-463) | (P-11447/90; A-463) |
| 2400.20 | am | (P-4550) | (P-4550) |
| 2400.30 | am | (P-4550) | (P-4550) |
| 2400.50 | am | (P-4550) | (P-4550) |
| 2400.10 | am | (P-5034) | (P-5034) |
| 2790.20 | am | (P-5034) | (P-5034) |
| 2790.30 | am | (P-5034) | (P-5034) |
| 2790.40 | am | (P-5034) | (P-5034) |
| 2790.50 | am | (P-5034) | (P-5034) |
| 2790.60 | am | (P-5034) | (P-5034) |

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| 218.584 | n | (P-3675) | 219.106 | n | (P-3892) |
| 218.585 | n | (P-3675) | 219.107 | n | (P-3892) |
| 218.601 | n | (P-3675) | 219.108 | n | (P-3892) |
| 218.602 | n | (P-3675) | 219.109 | n | (P-3892) |
| 218.603 | n | (P-3675) | 219.110 | n | (P-3892) |
| 218.604 | n | (P-3675) | 219.111 | n | (P-3892) |
| 218.605 | n | (P-3675) | 219.112 | n | (P-3892) |
| 218.606 | n | (P-3675) | 219.121 | n | (P-3892) |
| 218.607 | n | (P-3675) | 219.122 | n | (P-3892) |
| 218.608 | n | (P-3675) | 219.123 | n | (P-3892) |
| 218.609 | n | (P-3675) | 219.124 | n | (P-3892) |
| 218.610 | n | (P-3675) | 219.125 | n | (P-3892) |
| 218.611 | n | (P-3675) | 219.126 | n | (P-3892) |
| 218.612 | n | (P-3675) | 219.127 | n | (P-3892) |
| 218.613 | n | (P-3675) | 219.128 | n | (P-3892) |
| 218.620 | n | (P-3675) | 219.141 | n | (P-3892) |
| 218.621 | n | (P-3675) | 219.142 | n | (P-3892) |
| 218.622 | n | (P-3675) | 219.143 | n | (P-3892) |
| 218.623 | n | (P-3675) | 219.144 | n | (P-3892) |
| 218.624 | n | (P-3675) | 219.181 | n | (P-3892) |
| 218.625 | n | (P-3675) | 219.182 | n | (P-3892) |
| 218.626 | n | (P-3675) | 219.183 | n | (P-3892) |
| 218.628 | n | (P-3675) | 219.184 | n | (P-3892) |
| 218.630 | n | (P-3675) | 219.185 | n | (P-3892) |
| 218.636 | n | (P-3675) | 219.186 | n | (P-3892) |
| 218.637 | n | (P-3675) | 219.204 | n | (P-3892) |
| 218.875 | n | (P-3675) | 219.205 | n | (P-3892) |
| 218.877 | n | (P-3675) | 219.206 | n | (P-3892) |
| 218.879 | n | (P-3675) | 219.207 | n | (P-3892) |
| 218.881 | n | (P-3675) | 219.208 | n | (P-3892) |
| 218.883 | n | (P-3675) | 219.209 | n | (P-3892) |
| 218.886 | n | (P-3675) | 219.210 | n | (P-3892) |
| 218.920 | n | (P-3675) | 219.211 | n | (P-3892) |
| 218.923 | n | (P-3675) | 219.301 | n | (P-3892) |
| 218.926 | n | (P-3675) | 219.302 | n | (P-3892) |
| 218.927 | n | (P-3675) | 219.303 | n | (P-3892) |
| 218.928 | n | (P-3675) | 219.304 | n | (P-3892) |
| 218.940 | n | (P-3675) | 219.401 | n | (P-3892) |
| 218.943 | n | (P-3675) | 219.402 | n | (P-3892) |
| 218.946 | n | (P-3675) | 219.403 | n | (P-3892) |
| 218.947 | n | (P-3675) | 219.404 | n | (P-3892) |
| 218.948 | n | (P-3675) | 219.405 | n | (P-3892) |
| 218.960 | n | (P-3675) | 219.421 | n | (P-3892) |
| 218.963 | n | (P-3675) | 219.422 | n | (P-3892) |
| 218.966 | n | (P-3675) | 219.423 | n | (P-3892) |
| 218.967 | n | (P-3675) | 219.424 | n | (P-3892) |
| 218.968 | n | (P-3675) | 219.425 | n | (P-3892) |
| 218.980 | n | (P-3675) | 219.426 | n | (P-3892) |
| 218.983 | n | (P-3675) | 219.427 | n | (P-3892) |
| 218.986 | n | (P-3675) | 219.428 | n | (P-3892) |
| 218.987 | n | (P-3675) | 219.429 | n | (P-3892) |
| 218.988 | n | (P-3675) | 219.430 | n | (P-3892) |
| 218.990 | n | (P-3675) | 219.441 | n | (P-3892) |
| 218.991 | n | (P-3675) | 219.442 | n | (P-3892) |
| 218.Ap. A | n | (P-3675) | 219.443 | n | (P-3892) |
| 218.Ap. B | n | (P-3675) | 219.444 | n | (P-3892) |
| 218.Ap. C | n | (P-3675) | 219.445 | n | (P-3892) |
| 218.Ap. D | n | (P-3675) | 219.446 | n | (P-3892) |
| 219.100 | n | (P-3892) | 219.447 | n | (P-3892) |
| 219.101 | n | (P-3892) | 219.448 | n | (P-3892) |
| 219.102 | n | (P-3892) | 219.449 | n | (P-3892) |
| 219.103 | n | (P-3892) | 219.450 | n | (P-3892) |
| 219.104 | n | (P-3892) | 219.451 | n | (P-3892) |
| 219.105 | n | (P-3892) | 219.452 | n | (P-3892) |

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| 219.453 | n | (P-3892) | 219.928 | n | (P-3892) |
| 219.454 | n | (P-3892) | 219.940 | n | (P-3892) |
| 219.461 | n | (P-3892) | 219.943 | n | (P-3892) |
| 219.462 | n | (P-3892) | 219.946 | n | (P-3892) |
| 219.463 | n | (P-3892) | 219.947 | n | (P-3892) |
| 219.464 | n | (P-3892) | 219.948 | n | (P-3892) |
| 219.465 | n | (P-3892) | 219.960 | n | (P-3892) |
| 219.466 | n | (P-3892) | 219.963 | n | (P-3892) |
| 219.480 | n | (P-3892) | 219.966 | n | (P-3892) |
| 219.481 | n | (P-3892) | 219.967 | n | (P-3892) |
| 219.482 | n | (P-3892) | 219.968 | n | (P-3892) |
| 219.483 | n | (P-3892) | 219.980 | n | (P-3892) |
| 219.484 | n | (P-3892) | 219.983 | n | (P-3892) |
| 219.485 | n | (P-3892) | 219.986 | n | (P-3892) |
| 219.486 | n | (P-3892) | 219.987 | n | (P-3892) |
| 219.487 | n | (P-3892) | 219.988 | n | (P-3892) |
| 219.488 | n | (P-3892) | 219.990 | n | (P-3892) |
| 219.489 | n | (P-3892) | 219.991 | n | (P-3892) |
| 219.521 | n | (P-3892) | 219. Ap. A | n | (P-3892) |
| 219.525 | n | (P-3892) | 219. Ap. B | n | (P-3892) |
| 219.526 | n | (P-3892) | 219. Ap. C | n | (P-3892) |
| 219.527 | n | (P-3892) | 219. Ap. D | n | (P-3892) |
| 219.541 | n | (P-3892) | 230.110 | r | (P-741) |
| 219.561 | n | (P-3892) | 230.140 | r | (P-741) |
| 219.562 | n | (P-3892) | 230.141 | r | (P-741) |
| 219.563 | n | (P-3892) | 230.142 | r | (P-741) |
| 219.581 | n | (P-3892) | 230.150 | r | (P-741) |
| 219.582 | n | (P-3892) | 230.160 | r | (P-741) |
| 219.583 | n | (P-3892) | 230.170 | r | (P-741) |
| 219.584 | n | (P-3892) | 230.180 | r | (P-741) |
| 219.585 | n | (P-3892) | 230.190 | r | (P-741) |
| 219.601 | n | (P-3892) | 230.200 | r | (P-741) |
| 219.602 | n | (P-3892) | 230.210 | r | (P-741) |
| 219.603 | n | (P-3892) | 230.211 | r | (P-741) |
| 219.604 | n | (P-3892) | 230.212 | r | (P-741) |
| 219.605 | n | (P-3892) | 230.220 | r | (P-741) |
| 219.606 | n | (P-3892) | 230.230 | r | (P-741) |
| 219.607 | n | (P-3892) | 230.240 | r | (P-741) |
| 219.608 | n | (P-3892) | 230.241 | r | (P-741) |
| 219.609 | n | (P-3892) | 230.250 | r | (P-741) |
| 219.610 | n | (P-3892) | 230.260 | r | (P-741) |
| 219.611 | n | (P-3892) | 230.270 | r | (P-741) |
| 219.612 | n | (P-3892) | 230.280 | r | (P-741) |
| 219.613 | n | (P-3892) | 230.290 | r | (P-741) |
| 219.620 | n | (P-3892) | 230.300 | r | (P-741) |
| 219.621 | n | (P-3892) | 230.310 | r | (P-741) |
| 219.623 | n | (P-3892) | 230.320 | r | (P-741) |
| 219.624 | n | (P-3892) | 230.330 | r | (P-741) |
| 219.625 | n | (P-3892) | 230.340 | r | (P-741) |
| 219.626 | n | (P-3892) | 230.350 | r | (P-741) |
| 219.628 | n | (P-3892) | 230.360 | r | (P-741) |
| 219.630 | n | (P-3892) | 230.370 | r | (P-741) |
| 219.636 | n | (P-3892) | 230.380 | r | (P-741) |
| 219.637 | n | (P-3892) | 230.390 | r | (P-741) |
| 219.875 | n | (P-3892) | 230.390 | r | (P-741) |
| 219.877 | n | (P-3892) | 230.400 | r | (P-741) |
| 219.879 | n | (P-3892) | 230.410 | r | (P-741) |
| 219.881 | n | (P-3892) | 230.430 | r | (P-741) |
| 219.883 | n | (P-3892) | 230.440 | r | (P-741) |
| 219.886 | n | (P-3892) | 230.470 | r | (P-741) |
| 219.920 | n | (P-3892) | 230.480 | r | (P-741) |
| 219.923 | n | (P-3892) | 230.490 | r | (P-741) |
| 219.926 | n | (P-3892) | 230.500 | r | (P-741) |
| 219.927 | n | (P-3892) | 230.520 | r | (P-741) |

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| 230.540 | r | (P-741) | n | 724.670 | am | (P-6073) | n |
| 230.550 | r | (P-741) | n | 724.671 | am | (P-6073) | n |
| 230.560 | r | (P-741) | n | 724.672 | am | (P-6073) | n |
| 230.570 | r | (P-741) | n | 724.673 | am | (P-6073) | n |
| 230.580 | r | (P-741) | n | 724.674 | am | (P-6073) | n |
| 230.590 | r | (P-741) | n | 724.675 | am | (P-6073) | n |
| 230.600 | r | (P-741) | n | 724.930 | n | (P-2414) | n |
| 230.680 | r | (P-741) | n | 724.931 | n | (P-2414) | n |
| 230.690 | r | (P-741) | n | 724.932 | n | (P-2414) | n |
| 230.700 | r | (P-741) | n | 724.933 | n | (P-2414) | n |
| 230.720 | r | (P-741) | n | 724.934 | n | (P-2414) | n |
| 230.730 | r | (P-741) | n | 724.935 | n | (P-2414) | n |
| 230.740 | r | (P-741) | n | 724.936 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.950 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.951 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.952 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.953 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.954 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.955 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.956 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.957 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.958 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.959 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.960 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.961 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.962 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.963 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.964 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 724.965 | n | (P-2414) | n |
| 230.780 | r | (P-741) | n | 725.101 | am | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.113 | am | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.115 | am | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.173 | am | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.177 | am | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.290 | am | (P-6043) | n |
| 230.780 | r | (P-741) | n | 725.329 | am | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.356 | am | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.381 | am | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.412 | am | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.416 | am | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.540 | n | (P-6043) | n |
| 230.780 | r | (P-741) | n | 725.541 | n | (P-6043) | n |
| 230.780 | r | (P-741) | n | 725.542 | n | (P-6043) | n |
| 230.780 | r | (P-741) | n | 725.543 | n | (P-6043) | n |
| 230.780 | r | (P-741) | n | 725.544 | n | (P-6043) | n |
| 230.780 | r | (P-741) | n | 725.545 | n | (P-6043) | n |
| 230.780 | r | (P-741) | n | 725.930 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.931 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.932 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.933 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.934 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.935 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.950 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.951 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.952 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.953 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.954 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.955 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.956 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.957 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.958 | n | (P-2145) | n |
| 230.780 | r | (P-741) | n | 725.959 | n | (P-2145) | n |

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| 848.110 | (P-4616) | n | 848.410 | (P-7763/90; A-7959) | n | 500.600 | (P-5179) | n |
| 848.111 | (P-4616) | n | 848.411 | (P-7763/90; A-7959) | n | 500.610 | (P-5162) | n |
| 848.112 | (P-4616) | n | 848.412 | (P-7763/90; A-7959) | n | 500.620 | (P-5179) | n |
| 848.113 | (P-4616) | n | 848.413 | (P-7763/90; A-7959) | n | 500.630 | (P-5162) | n |
| 848.114 | (P-4616) | n | 848.414 | (P-7763/90; A-7959) | n | 500.640 | (P-5179) | n |
| 848.115 | (P-4616) | n | 848.415 | (P-7763/90; A-7959) | n | 500.650 | (P-5179) | n |
| 848.116 | (P-4616) | n | 848.416 | (P-7763/90; A-7959) | n | 500.660 | (P-5179) | n |
| 848.117 | (P-4616) | n | 848.417 | (P-7763/90; A-7959) | n | 500.670 | (P-5179) | n |
| 848.118 | (P-4616) | n | 848.418 | (P-7763/90; A-7959) | n | 500.680 | (P-5179) | n |
| 848.119 | (P-4616) | n | 848.419 | (P-7763/90; A-7959) | n | 500.690 | (P-5179) | n |
| 848.120 | (P-4616) | n | 848.420 | (P-7763/90; A-7959) | n | 500.700 | (P-5179) | n |
| 848.121 | (P-4616) | n | 848.421 | (P-7763/90; A-7959) | n | 500.710 | (P-5162) | n |
| 848.122 | (P-4616) | n | 848.422 | (P-7763/90; A-7959) | n | 500.720 | (P-5179) | n |
| 848.123 | (P-4616) | n | 848.423 | (P-7763/90; A-7959) | n | 500.730 | (P-5162) | n |
| 848.124 | (P-4616) | n | 848.424 | (P-7763/90; A-7959) | n | 500.740 | (P-5179) | n |
| 848.125 | (P-4616) | n | 848.425 | (P-7763/90; A-7959) | n | 500.750 | (P-5162) | n |
| 848.126 | (P-4616) | n | 848.426 | (P-7763/90; A-7959) | n | 500.760 | (P-5179) | n |
| 848.127 | (P-4616) | n | 848.427 | (P-7763/90; A-7959) | n | 500.770 | (P-5162) | n |
| 848.128 | (P-4616) | n | 848.428 | (P-7763/90; A-7959) | n | 500.780 | (P-5179) | n |
| 848.129 | (P-4616) | n | 848.429 | (P-7763/90; A-7959) | n | 500.790 | (P-5162) | n |
| 848.130 | (P-4616) | n | 848.430 | (P-7763/90; A-7959) | n | 500.800 | (P-5162) | n |
| 848.131 | (P-4616) | n | 848.431 | (P-7763/90; A-7959) | n | 500.810 | (P-5162) | n |
| 848.132 | (P-4616) | n | 848.432 | (P-7763/90; A-7959) | n | 500.820 | (P-5162) | n |
| 848.133 | (P-4616) | n | 848.433 | (P-7763/90; A-7959) | n | 500.830 | (P-5162) | n |
| 848.134 | (P-4616) | n | 848.434 | (P-7763/90; A-7959) | n | 500.840 | (P-5162) | n |
| 848.135 | (P-4616) | n | 848.435 | (P-7763/90; A-7959) | n | 500.850 | (P-5162) | n |
| 848.136 | (P-4616) | n | 848.436 | (P-7763/90; A-7959) | n | 500.860 | (P-5162) | n |
| 848.137 | (P-4616) | n | 848.437 | (P-7763/90; A-7959) | n | 500.870 | (P-5162) | n |
| 848.138 | (P-4616) | n | 848.438 | (P-7763/90; A-7959) | n | 500.880 | (P-5162) | n |
| 848.139 | (P-4616) | n | 848.439 | (P-7763/90; A-7959) | n | 500.890 | (P-5162) | n |
| 848.140 | (P-4616) | n | 848.440 | (P-7763/90; A-7959) | n | 500.900 | (P-5162) | n |
| 848.141 | (P-4616) | n | 848.441 | (P-7763/90; A-7959) | n | 500.1010 | (P-5162) | n |
| 848.142 | (P-4616) | n | 848.442 | (P-7763/90; A-7959) | n | 1075.100 | (P-14758/90; A-1916) | n |
| 848.143 | (P-4616) | n | 848.443 | (P-7763/90; A-7959) | n | 1075.110 | (P-14758/90; A-1916) | n |
| 848.144 | (P-4616) | n | 848.444 | (P-7763/90; A-7959) | n | 1075.120 | (P-14758/90; A-1916) | n |
| 848.145 | (P-4616) | n | 848.445 | (P-7763/90; A-7959) | n | 1075.130 | (P-14758/90; A-1916) | n |
| 848.146 | (P-4616) | n | 848.446 | (P-7763/90; A-7959) | n | 1075.140 | (P-14758/90; A-1916) | n |
| 848.147 | (P-4616) | n | 848.447 | (P-7763/90; A-7959) | n | 1075.150 | (P-14758/90; A-1916) | n |
| 848.148 | (P-4616) | n | 848.448 | (P-7763/90; A-7959) | n | 1075.160 | (P-14758/90; A-1916) | n |
| 848.149 | (P-4616) | n | 848.449 | (P-7763/90; A-7959) | n | 1075.170 | (P-14758/90; A-1916) | n |
| 848.150 | (P-4616) | n | 848.450 | (P-7763/90; A-7959) | n | 1075.180 | (P-14758/90; A-1916) | n |
| 848.151 | (P-4616) | n | 848.451 | (P-7763/90; A-7959) | n | 1075.190 | (P-14758/90; A-1916) | n |
| 848.152 | (P-4616) | n | 848.452 | (P-7763/90; A-7959) | n | 1075.200 | (P-14758/90; A-1916) | n |
| 848.153 | (P-4616) | n | 848.453 | (P-7763/90; A-7959) | n | 1075.210 | (P-14758/90; A-1916) | n |
| 848.154 | (P-4616) | n | 848.454 | (P-7763/90; A-7959) | n | 1075.220 | (P-14758/90; A-1916) | n |
| 848.155 | (P-4616) | n | 848.455 | (P-7763/90; A-7959) | n | 1075.230 | (P-14758/90; A-1916) | n |
| 848.156 | (P-4616) | n | 848.456 | (P-7763/90; A-7959) | n | 1075.240 | (P-14758/90; A-1916) | n |
| 848.157 | (P-4616) | n | 848.457 | (P-7763/90; A-7959) | n | 1075.250 | (P-14758/90; A-1916) | n |
| 848.158 | (P-4616) | n | 848.458 | (P-7763/90; A-7959) | n | 1075.260 | (P-14758/90; A-1916) | n |
| 848.159 | (P-4616) | n | 848.459 | (P-7763/90; A-7959) | n | 1075.270 | (P-14758/90; A-1916) | n |
| 848.160 | (P-4616) | n | 848.460 | (P-7763/90; A-7959) | n | 1075.280 | (P-14758/90; A-1916) | n |
| 848.161 | (P-4616) | n | 848.461 | (P-7763/90; A-7959) | n | 1075.290 | (P-14758/90; A-1916) | n |
| 848.162 | (P-4616) | n | 848.462 | (P-7763/90; A-7959) | n | 1075.300 | (P-14758/90; A-1916) | n |
| 848.163 | (P-4616) | n | 848.463 | (P-7763/90; A-7959) | n | 1075.310 | (P-14758/90; A-1916) | n |
| 848.164 | (P-4616) | n | 848.464 | (P-7763/90; A-7959) | n | 1075.320 | (P-14758/90; A-1916) | n |
| 848.165 | (P-4616) | n | 848.465 | (P-7763/90; A-7959) | n | 1075.330 | (P-14758/90; A-1916) | n |
| 848.166 | (P-4616) | n | 848.466 | (P-7763/90; A-7959) | n | 1075.340 | (P-14758/90; A-1916) | n |
| 848.167 | (P-4616) | n | 848.467 | (P-7763/90; A-7959) | n | 1075.350 | (P-14758/90; A-1916) | n |
| 848.168 | (P-4616) | n | 848.468 | (P-7763/90; A-7959) | n | 1075.360 | (P-14758/90; A-1916) | n |
| 848.169 | (P-4616) | n | 848.469 | (P-7763/90; A-7959) | n | 1075.370 | (P-14758/90; A-1916) | n |
| 848.170 | (P-4616) | n | 848.470 | (P-7763/90; A-7959) | n | 1075.380 | (P-14758/90; A-1916) | n |
| 848.171 | (P-4616) | n | 848.471 | (P-7763/90; A-7959) | n | 1075.390 | (P-14758/90; A-1916) | n |
| 848.172 | (P-4616) | n | 848.472 | (P-7763/90; A-7959) | n | 1075.400 | (P-14758/90; A-1916) | n |
| 848.173 | (P-4616) | n | 848.473 | (P-7763/90; A-7959) | n | 1075.410 | (P-14758/90; A-1916) | n |
| 848.174 | (P-4616) | n | 848.474 | (P-7763/90; A-7959) | n | 1075.420 | (P-14758/90; A-1916) | n |
| 848.175 | (P-4616) | n | 848.475 | (P-7763/90; A-7959) | n | 1075.430 | (P-14758/90; A-1916) | n |
| 848.176 | (P-4616) | n | 848.476 | (P-7763/90; A-7959) | n | 1075.440 | (P-14758/90; A-1916) | n |
| 848.177 | (P-4616) | n | 848.477 | (P-7763/90; A-7959) | n | 1075.450 | (P-14758/90; A-1916) | n |
| 848.178 | (P-4616) | n | 848.478 | (P-7763/90; A-7959) | n | 1075.460 | (P-14758/90; A-1916) | n |
| 848.179 | (P-4616) | n | 848.479 | (P-7763/90; A-7959) | n | 1075.470 | (P-14758/90; A-1916) | n |
| 848.180 | (P-4616) | n | 848.480 | (P-7763/90; A-7959) | n | 1075.480 | (P-14758/90; A-1916) | n |
| 848.181 | (P-4616) | n | 848.481 | (P-7763/90; A-7959) | n | 1075.490 | (P-14758/90; A-1916) | n |
| 848.182 | (P-4616) | n | 848.482 | (P-7763/90; A-7959) | n | 1075.500 | (P-14758/90; A-1916) | n |
| 848.183 | (P-4616) | n | 848.483 | (P-7763/90; A-7959) | n | 1075.510 | (P-14758/90; A-1916) | n |
| 848.184 | (P-4616) | n | 848.484 | (P-7763/90; A-7959) | n | 1075.520 | (P-14758/90; A-1916) | n |
| 848.185 | (P-4616) | n | 848.485 | (P-7763/90; A-7959) | n | 1075.530 | (P-14758/90; A-1916) | n |
| 848.186 | (P-4616) | n | 848.486 | (P-7763/90; A-7959) | n | 1075.540 | (P-14758/90; A-1916) | n |
| 848.187 | (P-4616) | n | 848.487 | (P-7763/90; A-7959) | n | 1075.550 | (P-14758/90; A-1916) | n |
| 848.188 | (P-4616) | n | 848.488 | (P-7763/90; A-7959) | n | 1075.560 | (P-14758/90; A-1916) | n |
| 848.189 | (P-4616) | n | 848.489 | (P-7763/90; A-7959) | n | 1075.570 | (P-14758/90; A-1916) | n |
| 848.190 | (P-4616) | n | 848.490 | (P-7763/90; A-7959) | n | 1075.580 | (P-14758/90; A-1916) | n |
| 848.191 | (P-4616) | n | 848.491 | (P-7763/90; A-7959) | n | 1075.590 | (P-14758/90; A-1916) | n |
| 848.192 | (P-4616) | n | 848.492 | (P-7763/90; A-7959) | n | 1075.600 | (P-14758/90; A-1916) | n |
| 848.193 | (P-4616) | n | 848.493 | (P-7763/90; A-7959) | n | 1075.610 | (P-14758/90; A-1916) | n |
| 848.194 | (P-4616) | n | 848.494 | (P-7763/90; A-7959) | n | 1075.620 | (P-14758/90; A-1916) | n |
| 848.195 | (P-4616) | n | 848.495 | (P-7763/90; A-7959) | n | 1075.630 | (P-14758/90; A-1916) | n |
| 848.196 | (P-4616) | n | 848.496 | (P-7763/90; A-7959) | n | 1075.640 | (P-14758/90; A-1916) | n |
| 848.197 | (P-4616) | n | 848.497 | (P-7763/90; A-7959) | n | 1075.650 | (P-14758/90; A-1916) | n |
| 848.198 | (P-4616) | n | 848.498 | (P-7763/90; A-7959) | n | 1075.660 | (P-14758/90; A-1916) | n |
| 848.199 | (P-4616) | n | 848.499 | (P-7763/90; A-7959) | n | 1075.670 | (P-14758/90; A-1916) | n |
| 848.200 | (P-4616) | n | 848.500 | (P-7763/90; A-7959) | n | 1075.680 | (P-14758/90; A-1916) | n |
| 848.201 | (P-4616) | n | 848.501 | (P-7763/90; A-7959) | n | 1075.690 | (P-14758/90; A-1916) | n |
| 848.202 | (P-4616) | n | 848.502 | (P-7763/90; A-7959) | n | 1075.700 | (P-14758/90; A-1916) | n |
| 848.203 | (P-4616) | n | 848.503 | (P-7763/90; A-7959) | n | 1075.710 | (P-14758/90; A-1916) | n |
| 848.204 | (P-4616) | n | 848.504 | (P-7763/90; A-7959) | n | 1075.720 | (P-14758/90; A-1916) | n |
| 848.205 | (P-4616) | n | 848.505 | (P-7763/90; A-7959) | n | 1075.730 | (P-14758/90; A-1916) | n |
| 848.206 | (P-4616) | n | 848.506 | (P-7763/90; A-7959) | n | 1075.740 | (P-14758/90; A-1916) | n |
| 848.207 | (P-4616) | n | 848.507 | (P-7763/90; A-7959) | n | 1075.750 | (P-14758/90; A-1916) | n |
| 848.208 | (P-4616) | n | 848.508 | (P-7763/90; A-7959) | n | 1075.760 | (P-14758/90; A-1916) | n |
| 848.209 | (P-4616) | n | 848.509 | (P-7763/90; A-7959) | n | 1075.770 | (P-14758/90; A-1916) | n |
| 848.210 | (P-4616) | n | 848.510 | (P-7763/90; A-7959) | n | 1075.780 | (P-14758/90; A-1916) | n |
| 848.211 | (P-4616) | n | 848.511 | (P-7763/90; A-7959) | n | 1075.790 | (P-14758/90; A-1916) | n |
| 848.212 | (P-4616) | n | 848.512 | (P-7763/90; A-7959) | n | 1075.800 | (P-14758/90; A-1916) | n |
| 848.213 | (P-4616) | n | 848.513 | (P-7763/90; A-7959) | n | 1075.810 | (P-14758/90; A-1916) | n |
| 848.214 | (P-4616) | n | 848.514 | (P-7763/90; A-7959) | n | 1075.820 | (P-14758/90; A-1916) | n |
| 848.215 | (P-4616) | n | 848.515 | (P-7763/90; A-7959) | n | 1075.830 | (P-14758/90; A-1916) | n |
| 848.216 | (P-4616) | n | 848.516 | (P-7763/90; A-7959) | n | 1075.840 | (P-14758/90; A-1916) | n |
| 848.217 | (P-4616) | n | 848.517 | (P-7763/90; A-7959) | n | 1075.850 | (P-14758/90; A-1916) | n |
| 848.218 | (P-4616) | n | 848.518 | (P-7763/90; A-7959) | n | 1075.860 | (P-14758/90; A-1916) | n |
| 848.219 | (P-4616) | n | 848.519 | (P-7763/90; A-7959) | n | 1075.870 | (P-14758/90; A-1916) | n |
| 848.220 | (P-4616) | n | 848.520 | (P-7763/90; A-7959) | n | 1075.880 | (P-14758/90; A-1916) | n |
| 848.221 | (P-4616) | n | 848.521 | (P-7763/90; A-7959) | n | 1075.890 | (P-14758/90; A-1916) | n |
| 848.222 | (P-4616) | n | 848.522 | (P-7763/90; A-7959) | n | 1075.900 | (P-14758/90; A-1916) | n |
| 848.223 | (P-4616) | n | 848.523 | (P-7763/90; A-7959) | n | 1075.910 | (P-14758/90; A-1916) | n |
| 848.224 | (P-4616) | n | 848.524 | (P-7763/90; A-7959) | n | 1075.920 | (P-14758/90; A-1916) | n |
| 848.225 | (P-4616) | n | 848.525 | (P-7763/90; A-7959) | n</ | | | |

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| TITLE 41 | 170.310 | am | (P-12373/90; A-7042) | 100.111 | am | (P-15189/90; O-1575; R-3603; A-3437) |
| | 250.10 | n | (P-5322/90; A-5656) | 100.113 | am | (P-15189/90; O-1575; R-3603; A-3437) |
| | 250.20 | n | (P-5322/90; A-5656) | 100.117 | r | (P-15189/90; O-1575; A-3437) |
| | 250.25 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.30 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.40 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.50 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.60 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.80 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.82 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| TITLE 44 | 250.83 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.85 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.93 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.97 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.201 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.210 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.213 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.215 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.220 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.230 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| TITLE 47 | 250.232 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.233 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.235 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.250 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.260 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.270 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.301 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.310 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.315 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |
| | 250.320 | n | (P-5322/90; A-5656) | 100.120 | am | (P-15189/90; O-1575; A-3437) |

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| TABLE 38 (CONTD.) | | |
|-------------------|---|----------------------|
| 1075.570 | n | (P-14758/90; A-1916) |
| 1075.575 | n | (P-14758/90; A-1916) |
| 1075.580 | n | (P-14758/90; A-1916) |
| 1075.585 | n | (P-14758/90; A-1916) |
| 1075.600 | n | (P-14758/90; A-1916) |
| 1075.610 | n | (P-14758/90; A-1916) |
| 1075.620 | n | (P-14758/90; A-1916) |
| 1075.630 | n | (P-14758/90; A-1916) |
| 1075.640 | n | (P-14758/90; A-1916) |
| 1075.650 | n | (P-14758/90; A-1916) |
| 1075.660 | n | (P-14758/90; A-1916) |
| 1075.670 | n | (P-14758/90; A-1916) |
| 1075.680 | n | (P-14758/90; A-1916) |
| 1075.700 | n | (P-14758/90; A-1916) |
| 1075.705 | n | (P-14758/90; A-1916) |
| 1075.710 | n | (P-14758/90; A-1916) |
| 1075.715 | n | (P-14758/90; A-1916) |
| 1075.720 | n | (P-14758/90; A-1916) |
| 1075.725 | n | (P-14758/90; A-1916) |
| 1075.725 | n | (P-14758/90; A-1916) |
| 1075.730 | n | (P-14758/90; A-1916) |
| 1075.735 | n | (P-14758/90; A-1916) |
| 1075.740 | n | (P-14758/90; A-1916) |
| 1075.745 | n | (P-14758/90; A-1916) |
| 1075.750 | n | (P-14758/90; A-1916) |
| 1075.800 | n | (P-14758/90; A-1916) |
| 1075.810 | n | (P-14758/90; A-1916) |
| 1075.820 | n | (P-14758/90; A-1916) |
| 1075.900 | n | (P-14758/90; A-1916) |
| 1075.905 | n | (P-14758/90; A-1916) |
| 1075.910 | n | (P-14758/90; A-1916) |
| 1075.915 | n | (P-14758/90; A-1916) |
| 1075.920 | n | (P-14758/90; A-1916) |
| 1075.925 | n | (P-14758/90; A-1916) |
| 1075.930 | n | (P-14758/90; A-1916) |
| 1075.935 | n | (P-14758/90; A-1916) |
| 1075.945 | n | (P-14758/90; A-1916) |
| 1075.950 | n | (P-14758/90; A-1916) |
| 1075.955 | n | (P-14758/90; A-1916) |
| 1075.960 | n | (P-14758/90; A-1916) |
| 1075.965 | n | (P-14758/90; A-1916) |
| 1075.970 | n | (P-14758/90; A-1916) |
| 1075.975 | n | (P-14758/90; A-1916) |
| 1075.980 | n | (P-14758/90; A-1916) |
| 1075.985 | n | (P-14758/90; A-1916) |
| 1075.990 | n | (P-14758/90; A-1916) |
| 1075.995 | n | (P-14758/90; A-1916) |
| 1075.1000 | n | (P-14758/90; A-1916) |
| 1075.1005 | n | (P-14758/90; A-1916) |
| 1075.1010 | n | (P-14758/90; A-1916) |
| 1075.1015 | n | (P-14758/90; A-1916) |
| 1075.1020 | n | (P-14758/90; A-1916) |
| 1075.1025 | n | (P-14758/90; A-1916) |
| 1075.1030 | n | (P-14758/90; A-1916) |
| 1075.1035 | n | (P-14758/90; A-1916) |
| 1075.1040 | n | (P-14758/90; A-1916) |
| 1075.1045 | n | (P-14758/90; A-1916) |
| 1075.1050 | n | (P-14758/90; A-1916) |
| 1075.1055 | n | (P-14758/90; A-1916) |
| 1075.1100 | n | (P-14758/90; A-1916) |
| 1075.1105 | n | (P-14758/90; A-1916) |
| 1075.1110 | n | (P-14758/90; A-1916) |
| 1075.1115 | n | (P-14758/90; A-1916) |
| 1075.1120 | n | (P-14758/90; A-1916) |
| 1075.1125 | n | (P-14758/90; A-1916) |
| 1075.1130 | n | (P-14758/90; A-1916) |
| 1075.1135 | n | (P-14758/90; A-1916) |
| 1075.1140 | n | (P-14758/90; A-1916) |
| 1075.1145 | n | (P-14758/90; A-1916) |
| 1075.1150 | n | (P-14758/90; A-1916) |
| 1075.1155 | n | (P-14758/90; A-1916) |
| 1075.1160 | n | (P-14758/90; A-1916) |
| 1075.1165 | n | (P-14758/90; A-1916) |
| 1075.1170 | n | (P-14758/90; A-1916) |
| 1075.1175 | n | (P-14758/90; A-1916) |
| 1075.1180 | n | (P-14758/90; A-1916) |
| 1075.1185 | n | (P-14758/90; A-1916) |
| 1075.1190 | n | (P-14758/90; A-1916) |
| 1075.1195 | n | (P-14758/90; A-1916) |
| 1075.1200 | n | (P-14758/90; A-1916) |
| 1075.1205 | n | (P-14758/90 |

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| 2009.20 | 8010.30 | am | (P-7518) |
| 2009.30 | | am | |
| 2009.40 | | am | |
| 2009.60 | | am | |
| 2009.Ex. A | | am | |
| 2014.10 | | n | |
| 2014.20 | | n | |
| 2014.30 | | n | |
| 2014.40 | | n | |
| 2014.50 | | n | |
| 2014.Ex. A | | n | |
| 2801.50 | | am | |
| 3119.20 | | am | |
| 3119.30 | | am | |
| 3119.40 | | am | |
| 3119.50 | | am | |
| 3119.60 | | am | |
| 3119.70 | | am | |
| 3119.Ex.A | | am | |
| 3119.Ex.B | | am | |
| 3119.Ex.C | | am | |
| 3119.Ex.D | | am | |
| 6101.10 | | am | |
| 6101.20 | | am | |
| 6101.40 | | am | |
| 6101.50 | | am | |
| 6101.100 | | am | |
| 6101.110 | | am | |
| 6101.111 | | n | |
| 6101.112 | | n | |
| 6101.130 | | am | |
| 6101.140 | | am | |
| 6101.141 | | n | |
| 6101.142 | | n | |
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| 510.120 | am | (P-418; A-7718) | 595.Ap. B | am | (P-3398) |
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| 510.140 | am | (P-8120) | 694.220 | am | (P-6972) |
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| 510.350 | n | (P-8503/90; A-1833) | 790.2130 | am | (P-3417; E-3357) |
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620.101 r (P-19730/90; A-5805)

620.105 r (P-19730/90; A-5805)

620.110 r (P-19730/90; A-5805)

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620.115 r (P-19740/90; A-6299)

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| 630.101 | am | (P-17879/90; A-5762) | 117.90 | n | (P-6435) |
| 630.105 | am | (P-17879/90; A-5762) | 118.200 | am | (P-8681) (E-8708) |
| 630.110 | am | (P-17879/90; A-5762) | 120.11 | am | (P-5551) |
| 630.115 | am | (P-17879/90; A-5762) | 120.12 | n | (P-6089) |
| 640.101 | am | (P-17879/90; A-5762) | 120.31 | am | (P-5551) |
| 640.105 | am | (P-17879/90; A-5762) | 120.60 | am | (P-5551) |
| 640.110 | am | (P-17879/90; A-5762) | 120.61 | am | (P-159; A-5302) (E-348) |
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| 3000.100 | n | (P-17884/90; A-5778) | 120.65 | am | (P-5551) |
| 3000.110 | n | (P-433) | 120.72 | n | (P-2908) |
| 3000.120 | n | (P-433) | 120.74 | am | (P-159; A-5302) (E-348) |
| 3000.130 | n | (P-433) | 120.80 | am | (P-159; A-5302) (E-348) |
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| 3000.150 | n | (P-433) | 120.93 | am | (P-5551) |
| 3000.160 | n | (P-433) | 120.98 | am | (P-5551) |
| 3000.170 | n | (P-433) | 120.99 | am | (P-833) |
| 3000.200 | n | (P-433) | 120.320 | am | (P-833) |
| 3000.210 | n | (P-433) | 120.321 | am | (P-833) |
| 3000.220 | n | (P-433) | 120.322 | am | (P-833) |
| 3000.230 | n | (P-433) | 120.323 | am | (P-833) |
| 3000.240 | n | (P-433) | 120.370 | am | (P-6937) |
| 3000.250 | n | (P-433) | 120.335 | am | (P-5551) |
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| 592.85 | n | (P-12257/90; A-5757) | 755.70 | n | (P-8522) | | |
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| 617.30 | am | (P-7885) | 755.80 | n | (P-8522) | | |
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| 617.55 | am | (P-9385/90; A-7347) | 755.100 | r | (P-8522) | | |
| 617.60 | am | (P-9385/90; A-7347) | 755.100 | n | (P-8522) | | |
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| 650.10 | n | (P-6683/90; A-2740) | 755.130 | r | (P-8522) | | |
| 650.10 | n | (P-6725/90; A-2794) | 755.140 | r | (P-8522) | | |
| 650.20 | n | (P-6683/90; A-2740) | 755.150 | r | (P-8522) | | |
| 650.20 | n | (P-6725/90; A-2794) | 755.160 | r | (P-8522) | | |
| 650.30 | n | (P-6683/90; A-2740) | 755.170 | r | (P-8522) | | |
| 650.30 | r | (P-6725/90; A-2794) | 755.180 | r | (P-8522) | | |
| 650.40 | n | (P-6683/90; A-2740) | 755.190 | r | (P-8522) | | |
| 650.40 | r | (P-6725/90; A-2794) | 755.200 | r | (P-8522) | | |
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| 650.60 | n | (P-6725/90; A-2794) | 843.10 | am | (P-12212/90; A-8294) | | |
| 650.70 | n | (P-6683/90; A-2740) | 843.20 | am | (P-12212/90; A-8294) | | |
| 650.70 | n | (P-6725/90; A-2794) | 843.30 | am | (P-12212/90; A-8294) | | |
| 650.70 | n | (P-6683/90; A-2740) | 843.50 | am | (P-12212/90; A-8294) | | |
| 650.90 | n | (P-6683/90; A-2740) | 843.60 | am | (P-12212/90; A-8294) | | |
| 650.90 | r | (P-6725/90; A-2794) | 843.70 | am | (P-12212/90; A-8294) | | |
| 650.100 | n | (P-6683/90; A-2740) | 843.120 | am | (P-12212/90; A-8294) | | |
| 650.100 | n | (P-6725/90; A-2794) | 843.130 | am | (P-12212/90; A-8294) | | |
| 650.110 | n | (P-6683/90; A-2740) | 843.150 | am | (P-12212/90; A-8294) | | |
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| 650.150 | n | (P-6683/90; A-2740) | 845.20 | am | (P-12240/90; A-8304) | | |
| 650.160 | n | (P-6683/90; A-2740) | 845.30 | am | (P-12240/90; A-8304) | | |
| 650.200 | r | (P-6725/90; A-2794) | 845.40 | am | (P-12240/90; A-8304) | | |
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| 18.70 | r | (P-3231; A-9045) | 57.110 | n | (P-15283/90; A-2817) |
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